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HANSARD'S

PARLIAMENTARY

DEBATES:

FORMING A CONTINUATION OF
"THE PARLIAMENTARY HISTORY OF ENGLAND,
FROM THE EARLIEST PERIOD TO THE
YEAR 1803."

Third Series;

COMMENCING WITH THE ACCESSION OF
WILLIAM IV.

VOL. XXII.

COMPRISING THE PERIOD FROM
THE ELEVENTH DAY OF MARCH,
TO
THE TWENTY-FIFTH DAY OF APRIL, 1834.

Second Volume of the Session.

LONDON:

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1834.

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* See the Errata at the end of the Index.

HANSARD'S

Parliamentary Debates

During the SECOND SESSION *of the* ELEVENTH PARLIAMENT
of the United Kingdom of GREAT BRITAIN *and*
IRELAND, *appointed to meet at Westminster,*
4th February, 1834,
in the Fourth Year of the Reign of His Majesty
WILLIAM THE FOURTH.

Second Volume of the Session.

HOUSE OF LORDS,

Tuesday, March 11, 1834.

MINUTES.] Bill. Read a second time:—Marine Mutiny.

Petitions presented. By Lord KENYON, from Llangendeirne, for an Alteration of the Law respecting Tithes.—By the Earl of SHAFTESBURY, from Dumbarton, for the Better Observance of the Sabbath in Scotland.—By the Duke of RICHMOND, the Marquesses of WESTMINSTER and LANSDOWN, and by Lord POLTIMORE, from a Number of Places,—for Relief to the Dissenters.—By the Marquess of WESTMINSTER and Lord KENYON, from several Places,—for the Better Observance of the Sabbath.—By the Earl of ROSEBERY, from Gargannock, against the present System of Church Patronage (Scotland).

* * *

HOUSE OF COMMONS,

Tuesday, March 11, 1834.

MINUTES.] Bill. Read a third time:—Warwick Disfranchisement.

Petitions presented. By Mr. ROEBUCK, from Bath, against any Legislative Enactment, for the Better Observance of the Sabbath.—By Sir ANDREW AGNEW, and Messrs. WYNN and SPRING RICE, from several Places, —for the Better Observance of the Lord's Day.—By Mr. FITZGERALD, from Knockbridge, for the Abolition of Tithes, and the Repeal of the Union.—By Mr. HAWES, from Lambeth, in favour of the Bill for the Suppression of Sunday Trading.—By Sir JOHN WROTTESLEY, and Messrs. LITTLETON and HANDLEY, from several Places,—against any Measures likely to lessen the Efficacy of the Established Church.—By Mr. G. J. HEATHCOTE, from Quadring, for Extending the Labourer's Employment Act.—By Mr. EVANS, and Lord ROBERT GROSVENOR, from certain Licensed Retailers of Beer,—to be placed upon the same Footing as Licensed Victuallers. —By Lord ROBERT GROSVENOR, Mr. AGLIONBY, and Mr. G. J. HEATHCOTE, from several Places, for Relief to the Dissenters.—By Sir JOHN RAE REID, Colonel EDWARDS, and Messrs. PEASE, CRAWFORD, VERNON, and COTES, from a Number of Places,—for the Better Observance of the Sabbath.—By Mr. ORTON, from the Coroners of Cumberland, for Augmenting their Fees.—By Mr. SINCLAIR, from the Shipowners of Greenock, to be relieved from the Payment of Light House Dues.—By Mr. CARTWRIGHT, from two Places, for the Repeal of the Duty on Malt; and from one Place, for a Commutation of Tithes.—By Messrs. SANFORD and CARTWRIGHT, from several Places,—for Relief to the Agricultural Interest.—By Messrs. STRUTT and EVANS, from several Places,—for the Better Observance of the Sabbath. —By Sir GEORGE STAUNTON, Dr. LUSHINGTON, and Messrs. R. GRANT, STRUTT, WILKS, BROCKLEHURST, CHAPMAN, CARTER, and WINNINGTON, from a Number of Places,—for the Redress of the Grievances complained of by the Dissenters.

DISSENTERS' GRIEVANCES.] Dr. *Lushington* said, he was anxious, in presenting the petitions which he held in his hand, to occupy as little of the time of the House as possible, conceiving that the demands upon their time were numerous and important; but he also conceived, that it was part of his duty to state who were the petitioners who had signed the present petition; for, though it was a matter very familiar, yet it was of the greatest importance to that House and the country, and especially to those Gentlemen who took an interest in the subject, to know what it was that the petitioners required. The petition was signed by the general body of Dissenting Ministers of the three denominations residing in and about London, composing a body of as respectable and intelligent persons as were to be found of any denomination in the kingdom. They did not pray for a separation of

Church and State; though they avowed their conviction that the union between them was not beneficial to the cause of Christianity. With this proposition he did not agree, and, except in a case of absolute necessity, he thought it would be better to abstain from discussing it. The petitioners also stated what they considered the principal practical grievances under which they laboured, viz. a want of general registration, the difficulties in the solemnization of marriages, the difficulties in the burial of their dead, their exclusion from the Universities, and their liabilities to the payment of rates and other compulsory levies for the maintenance of the Established Church. His view of the case was, that these grievances should all be taken up by the Government in one comprehensive measure. In fact, those grievances were so connected, that one could not be remedied without remedying the other. When the subject should be regularly brought forward, he trusted that both sides of the House would unite most heartily in their endeavours to co-operate in one common object; and not allow themselves, however strong their feelings might be, to be led away, but to effect that desirable conciliation which was necessary both for Churchmen and Dissenters.

Mr. *Harvey* said, the subjects treated of in the petition were of very great importance to a most respectable and valuable part of the community. It was important that the House should understand what were the feelings of the non-conformist body; but, at the same time, should not attach more weight to a petition coming from their apparently authorised representatives than it deserved. Certainly those Ministers could not be held to speak the sentiments of all the Dissenters, when they said, that they did not desire the separation of Church and State. When they said that the Dissenters did not desire a separation of the Church and State, although they spoke of the union as not being necessary towards the support of Christianity, he must protest against such a speculative dogma; for so it was, and no man could regard the union as an article of faith. He fully concurred in the desire to obtain for the Dissenters a redress of all their practical grievances, and he hoped the hon. and learned Gentleman opposite would lend them his support.

Mr. *Wilks* said, that having the honour to be acquainted with many of those individuals who signed this petition, he felt that he should not do justice to them, if he did not express the high sense he entertained of their learning, influence, and piety. His hon. friend, the member for Colchester, had spoken of them in terms of respect which no one who knew them could avoid; but he was apprehensive that the House would not understand, from the manner in which his hon. friend had adverted to them, the real weight of their opinions. The whole non-conformist body were scattered throughout this empire, and had been in existence nearly two centuries; the petitioners were composed of the Dissenting Ministers of the Independent, Baptist, and Presbyterian, denominations of this Metropolis, and within ten miles of London. They were not only entitled to respect on account of their individual intelligence, but, he would take the liberty of saying, that when it was recollected that every one of them had been educated for the Christian ministry, and selected for that office by a large and respectable body of the community, such men, after meeting together, and discussing, did not merely express their own opinion, but gave expression to the sentiments of the vast, he might say, innumerable, body of intelligent, wealthy, and influential Protestant Dissenters in this Metropolis; therefore, whatever sentiment they expressed, might be considered as the expression of the body at large, and, whatever grievance was complained of by them, the House might rest assured, would be universally complained of by the whole body of non-conformists, and, therefore, entitled to the consideration of the House. Much as he respected the manly spirit of the hon. member for Colchester, whose love of liberty might lead him to consider that the severance of Church and State ought to be effected, he begged to say, the Dissenters of the Metropolis did not wish to make that a prominent subject of discussion now, but rather to confine themselves to practical grievances. He concurred in many of the observations made by the learned Civilian who presented the petition, and the petitioners having committed it to his hands, he being connected with the Church, showed that they did not desire what the learned Civilian could not support, while they were confident of the justice of their claims. This subject would require extensive consideration; and he regretted to observe, that vacillation perplexed the House, and created dissatisfaction amongst the Dissenters out of doors. He was sorry to find that a Member of the Administration had brought forward a measure which he was sure would meet with universal disapprobation. He regretted also, that another subject had been taken out of his hands, by a proposition for a universal National Civil Registration. He was also sorry that the question of Church-rates — another vital subject—was postponed to so late a period in the Session. These questions were all intimately connected with each other, and ought to be discussed in continuity and at once; and he feared, that the manner in which they were treated would cause much trouble to many Members of the House, and occasion his Majesty's Ministers to lose much of that attachment which Protestant Dissenters had hitherto evinced towards them.

Mr. *Ayshford Sanford* considered that the petition presented by the hon. Member should be considered as an official representation of the opinions of the Dissenters. The grievances under which they laboured were very great; and he hoped the House would apply a remedy. Those disabilities disunited the Dissenters from the Established Church, and it was the duty of the Legislature to remove them. He was anxious for one general discussion upon that subject: taking it by piecemeal was not productive of advantage. He heard, from every part of the country which he represented, that the Bill to be introduced for the relief of Dissenters gave no satisfaction.

Mr. *Baines* did not think, that the union of Church and State was one which the petition considered as an important point: he imagined that it was merely a theoretical opinion, and not one which was urged upon the Legislature as requiring an immediate consideration. He had a petition in his hand in which the Dissenters declared that they were favourable to a separation of Church and State, but they reserved the discussion of that question for a future time.

Mr. *Langdale* begged leave to make a few observations upon the question before the House. Without pretending to know all the details of the measure which the noble Lord had introduced, he could assure the House, that it was not at all satisfactory to the feelings of the respectable body to which he belonged. The noble Lord was not perhaps aware of the vast number of Roman Catholics inhabiting the county of Lancaster. In the town of Liverpool there were 60,000 Catholics, and in the town of Manchester there were upwards of 40,000. The greater number of these were persons who had come over from Ireland, where they were in the habit of having the marriage ceremony performed according to the rites of their own Church; and it was utterly impossible to persuade them to go through the form of the ceremony again, in order to legalize their marriages. If he properly understood the measure of the noble Lord the Paymaster of the Forces, there would be an interference on the part of the Established Church on that point. The very publication of bans, to the omission of which he believed some penal enactment attached, would not be submitted to by these people. They were of the poorer class, and their prejudices were invincible. He did not think that when a measure of conciliation was brought forward, it should be clogged by any clauses which would defeat the object of the boon. He hoped the Bill would be amended in Committee.

Mr. *Sheil* thought it was a remarkable circumstance that, notwithstanding the petitioners stated they did not at present pray for any separation, they at the outset of their petitions, laid down that abstract doctrine, and appeared to attribute all their grievances to the connexion between Church and State. Although they abstained from calling for separation, it was quite manifest that they called the attention of the House to the source of the evils under which they laboured. The Dissenters would not be contented with the Marriage Bill of the noble Lord, the Paymaster of the Forces. If the Dissenters were relieved from Church rates, why should they not be relieved from tithes? If they could not be legally called on to raise the edifice, why should they be required to support the minister who performed service in it.

Mr. *John Stanley* considered, that the question of a separation between Church and State affected the members of the Church of England as much as the Dissenters. He would say, that the Dissenters would be right in attributing the evils under which they laboured to the existence of a dominant Church, if they saw the noble Lord (Lord John Russell) who had been their constant support through the whole of his life—if they saw that he withdrew his measure of relief in deference to the Church of England—if they saw their just demands thus resisted by the Church, and relief rendered incompatible with the existence of the connexion between Church and State—they would be right, he would repeat, in attributing their grievances to this connexion, and calling upon the House to put an end to it as incompatible with the liberties of that country. But if the Government and the House relieved the Dissenters from the disabilities they prayed to be relieved from, then it was clear that the union of Church and State was not incompatible with the rights and just demands of the people of England. They ought to accede to those demands whilst they could do so, and not, by putting off the relief to the last moment, render the Dissenters the irreconcileable enemies of the Establishment.

Colonel *Evans* begged leave to say, that the body of Dissenters was extremely dissatisfied with the nature of the Bill brought into that House by the noble Lord the Paymaster of the Forces. His constituents concurred in the prayer of the petition, and he would only express a hope that if the noble Lord should be prevented from bringing in a Bill that would satisfy the claims of the Dissenters, that the hon. and learned Member (Dr. Lushington) would take upon himself the important duty of proposing a Bill that would be satisfactory to that numerous and enlightened body.

Sir *Richard Vyvyan* expressed his regret, that so many opinions as had been expressed this morning upon so important a subject, should have been allowed to pass without having been replied to. He rose for the purpose of answering an observation of the hon. member for Cheshire (Mr. J. Stanley). That hon. Member had said, that if the members of the Church of England would not give way, and assent to the removal of the grievances under which the Dissenters laboured, then the connexion between Church and State ought to be abolished. He begged leave to say, in reply, that even if the members of the Established Church refused to give way, that was no argument for the dissolution of the connexion between Church and State. The principles of the connexion had long been admitted and recognised, and had descended to us from our forefathers, as part of the established law of the land. He deeply regretted, that in the present petition the Dissenters had avowed their future intention of attacking that connexion. Almost all the gentlemen who advocated the removal of the specific practical grievances used the words "at present," and "now.' If the present practical grievances were removed, what guarantee had the House, that next Session the Dissenters would not come and apply for a separation of Church and State?

Mr. *John Stanley*, in explanation, said, he had only said, he considered the mention of the connexion of Church and State as a mere speculative opinion; and, with regard to their separation, he had merely said, it would only be required when it should be proved, that the existence of the connexion was incompatible with the obtaining for so large a portion of our fellow-subjects their reasonable and just rights. If upon the removal of the specific grievances, there should exist no other practical grievance, then he could not agree to any speculative measure for dissolving the connexion.

Mr. *Sinclair* said, the hon. Member opposite had faithfully pointed out what the real object of the Dissenters was, and proved to the House, that nothing else would satisfy them but the separation of Church and State. It was true, they did not demand that now—they were too prudent—they wished to put it off, and to content themselves with some minor matters. But why did they act so? Because they knew they would not succeed at present; and because they required those other things as so many stepping-stones to the other object.

Dr. *Lushington* said, in reply, that the Dissenters had a right to maintain their opinions; and if they conceived that the connexion between Church and State was hostile to the interests of Christianity, they were perfectly justified in coming forward and stating that. He would repeat, that nothing short of a proper and general system of registration would satisfy the Dissenters, and he regretted that the measure of the noble Lord, the Paymaster of the Forces, was not likely to satisfy them. With respect to what had fallen from the hon. and learned member for Tipperary, he would observe, that the question of tithes was not introduced in the petitions of the Dissenters; and he trusted, that such a question would not be raised on the present occasion.

Petition laid on the Table.

CHURCH PATRONAGE IN SCOTLAND.] Mr. *Sinclair* presented a Petition from the City of Edinburgh, against the system of Church Patronage in Scotland, and two petitions from other places in Scotland, upon the same subject. The hon. Member said, he perceived that the national cemetery for petitions was prepared for the reception of the important document, which he had the honour to present; but in consigning it to the leathern mausoleum under the Table, he could not rest satisfied with acting the part of a mute. He had often admired the alacrity which Irish Members evinced when laying petitions before the House, to vindicate the motives of their constituents from misrepresentation, or to enforce their sentiments by argument. He should imitate their zeal, though he could not equal their eloquence; and he would venture to claim the indulgence of the House, whilst he brought under its notice a petition against Church Patronage, from the metropolis of Scotland, signed by several thousand inhabitants, comprising ministers and elders of the Church, and other persons most ardently attached to its doctrines and institutions. He took that opportunity of noticing an aspersion which had been cast on the petitioners, and others who held similar opinions. They had been charged, not only within the House, but in many influential quarters out of doors, with maintaining principles repugnant to the constitution of the Established Church, which had been uniformly opposed by its most distinguished champion, and must lead, if triumphant, to its subversion. In justice to those who had honoured him with the care of their petitions, and against whom no accusation could be more painful to their feelings, more injurious to their character, or more unmerited by the line of conduct which they had adopted, he should not express any sentiment of his own, but submit to the candour of those who had attacked them, the recorded opinions of a very few amongst the cloud of witnesses whom he might cite in justification of their views. A pamphlet was written on the subject, by Lord Dreghorn, an eminent Judge of the last century, who said, that "an opportunity of knowing the particulars of most of the violent settlements for ten years past, had given rise to its publication." His lordship observed, 'that it 'is plain to common sense, that the right 'of patronage is incompatible with the 'Presbyterian religion. One of them 'must yield; by endeavouring to keep 'up both, we run into much absurdity, 'contradiction, and indecency.' He maintained that 'it has a manifest tendency to 'bring religion into contempt with the 'common people. What can be more 'shockingly absurd, than to see a minister 'of the Gospel settled by a troop of 'dragoons? what more disgusting, than 'to see a minister of the Gospel, though 'disregarded and despised by every person in the parish, sit down contented, 'because, nevertheless, he enjoys the 'manse, the glebe, and the stipend? The 'common people are too sensible not to 'discover that the object which patrons, 'and others in power, have, is not the 'advancement of religion, nor the comfort 'and instruction of the people, but the 'subsistence of a friend or dependent, 'and that what this intruding pastor has 'in view, is not to tend the flock, but to 'shear the golden fleece.'—'It will not,' says Dr. M'Crie, 'be denied by any who 'understand and love the principles of the 'Church of Scotland, that patronage is a 'grievance.' And again, 'Is there a 'minister of the Church of Scotland—I 'speak not of elders — but is there a 'minister, except one who has pledged 'himself in the cause beyond the hope of 'redemption, who will stand up in defence 'of lay patronage, who will deny that it is a 'grievance, or plead that it is a method of 'admitting persons to the charge of souls 'honourable to the individual nominated; 'conducive to the spiritual interests of 'the people; consistent with the due 'freedom of the Church Courts; or, what 'is of still higher moment than all of 'these, pleasing in the eyes of the Chief 'Shepherd?' 'The great complaints,' says Dr. Chalmers, 'of our more ancient 'assemblies—the great burthen of Scot-

'tish indignation—the practical grievance 'which, of all others, has been hitherto 'felt the most intolerable and galling to 'the hearts of a free and religious people, '—is the violent intrusion of ministers on 'parishes. An effectual provision against 'this enormity, this unfeeling outrage, 'which, in the exercise of a reckless and 'unprincipled patronage, has so often 'been perpetrated in our beloved land—'an outrage, by the appointment of an 'ungodly party, on the rights of conscience, and the religious sensibilities of 'a sorely aggrieved people—a provision 'against so deep and so wide a moral injury as this to the families of a parish, 'I should feel the most valuable of all the 'legislative expedients or devices which 'could be proposed on the present occasion.' To the same purpose, it was maintained by another divine, Dr. Macfarlan, of Greenock, in a very able and temperate pamphlet on this subject, that 'this system of lay patronage is utterly 'indefensible; and, in point of fact, has 'not been defended by any one, except by 'the vituperations of the opposite system 'of popular elections. * * No attempt 'has been made in the present day, so far 'as I know, to defend the principles of 'an absolute and unmodified patronage, 'at least by any man who has thought 'seriously upon this subject, or is capable 'of reasoning and judging with respect 'to it. By the silence of its friends, it is 'virtually admitted to be erroneous." * * 'The power is so great, the duty of a 'patron so arduous, and the consequences 'of an unwise or a corrupt election are so 'injurious, that the right of patronage 'ought not to be vested as a patrimonial 'right in any one individual. By this 'system, the happiness of hundreds or 'perhaps thousands of our fellow-men, 'their religious and moral improvement, 'their usefulness as members of society, 'and their spiritual welfare, are placed in 'the hands of one person, and in so far 'as the means of salvation are concerned, 'are entirely at his disposal.' With what force, and what justice did he afterwards proceed to observe, that 'by possessing 'the right of presentation irresponsibly 'and as a kind of property, patrons are 'under strong temptations to employ it for 'private purposes. If they have no fear 'of God before their eyes, no hope of 'their responsibility to Him, and none of 'the spirit of a pure and enlightened 'benevolence, they will infallibly regard 'the right of patronage as nothing more 'than the means of gratifying a friend, or 'bribing a political opponent, or rewarding the services of a useful and active 'adherent. This temptation is felt to be 'peculiarly strong in those cases where 'the patron has no property in the parish 'or does not reside in it. There is no tie 'of affection or interest binding him to 'the inhabitants; and if he be, as we are 'now supposing, a stranger to the principles and feelings of an enlarged philanthropy, their religious and moral improvement will be forgotten or wilfully 'disregarded amidst the calls of private 'friendship, or the mean and despicable 'considerations of political expediency.' Dr. Brown, of Langton, a divine of great learning and ability, after contending that the Church of Scotland never recognised the right of the people to elect their ministers as founded in Scripture, or in principles of ecclesiastical polity, added, that 'she looked upon patronage as an evil 'and a grievance, and submitted to it 'from necessity, and looked forward to 'the day when she hoped that it would 'be abolished.' He should only further trouble the House by referring to three periods in the ecclesiastical annals of Scotland, which illustrated the effects of patronage, and might enable them to apply the great Christian principle of trying a system by its fruits. The following was the account given of the state of Scotland in 1648, in the 'Acknowledgment of Sins,' printed with the 'Confessions of Faith.' Patronage had at that time existed, partly in conjunction with episcopacy, and partly without it, during a long course of years, and the consequences were stated as follow:—

1648—ACKNOWLEDGMENT OF SINS.

We have refused to be reformed, and have walked proudly and obstinately against the Lord, not valuing his gospel, nor submitting ourselves unto the obedience thereof; not seeking after Christ, not studying to honour him in the excellency of his person, nor employ him in the virtue of his offices, nor making conscience of public ordinances, nor private nor secret duties, nor studying to edify one another in love. Ignorance of God, and of his son Jesus Christ, prevails exceedingly in the land. The greatest part of masters of families, amongst Noblemen, Barons, Gentlemen, Burgesses, and Commons, neglect to seek God in their families, and to endeavour

> the reformation thereof; and, albeit, it hath been much pressed, yet few of our nobles and great men, even to this day, could be persuaded to perform family duties themselves, and in their own persons, which makes so necessary and useful a duty to be misregarded by others of inferior rank. Nay, many of the Nobility, Gentry, and Barons, who should have been examples of godliness and sober walking unto others, have been ringleaders of excess and rioting.
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> It were impossible to reckon up all the abominations that are in the land; but this blaspheming of the name of God, swearing by the creatures, profanations of the Lord's Day, uncleanness, drunkenness, excess of rioting, variety of apparel, lying and deceit, railing and cursing, arbitrary and uncontrolled oppression, and grinding of the faces of the poor by landlords, and others in place and power, are become ordinary and common sins.

In 1649 this system was abolished, and ceased to be in operation for several years; and Kirkton thus described the condition of the Church at the Restoration, when a more popular system of elections, decreed by the assembly, to which the power had been delegated by Parliament, had for some time prevailed:—

> At the King's return every parish had a minister—every village had a school—every family almost had a Bible, as in most of this country, all their children of age could read the Scriptures, and were provided with Bibles, either by their parents, or by their ministers. Every minister was a very full professor of the reformed religion, according to the large confession of faith framed at Westminster by the divines of both nations. Every minister was obliged to preach thrice a-week, to lecture and catechise, besides other private duties, in which they abounded, according to their proportions of faithfulness and abilities. None of them might be scandalous in their conversations, or negligent in their office, so long as a Presbytery stood, and among them were many holy in conversation and eminent in gifts; nor did a minister satisfy himself unless his ministry had the seal of a divine approbation, as might witness him to be really sent of God. Indeed, in many places the Spirit seemed to be poured out with the word, both by the multitude of the sincere converts, and also by the common work of reformation upon many who never came the length of conversion.
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> After a communion, there were no fewer than sixty aged people, men and women, who went to school, that even then they might be able to read the Scriptures with their own eyes. I have lived many years in a parish where I never heard an oath; and you might have ridden many a mile before you heard any; also, you could not, for a great part of the country, have lodged in a family where the Lord was not worshipped by reading, singing, and prayer. Nobody complained of our Church Government more than our taverners, whose ordinary lamentation was, their trade was broken, people were become so sober.

Marchmont, who had been a witness and partaker of what had passed in his own time, gives his testimony to the truth of what is here narrated.

Such was the state of this Church, by irrefragable evidence, proved to have been during that important period. Dr. Chalmers says:—

> It was when a high-handed patronage reigned uncontrolled, and without a rival, that discord and dissent multiplied in our parishes. The seasons immediately succeeding to 1649 and 1690, when the power of negation was lodged with the people, not, however, as a force in exercise, but as a force in reserve; these were the days of our Church's greatest prosperity and glory, the seasons both of peace and righteousness. Persecution put an end to the one period, and unrestrained patronage put an end to the other.

Without adverting to the intermediate periods, what, he would ask, was the statement of Dr. M'Crie, as to the state of the Church in 1784, when the Act of Anne had been in operation for seventy-years?

> From the Revolution down to the present day, never were the interests of religion sunk lower within her pale than they were in the year 1784. Truth and godliness sickened and pined away under the influence of false philosophies and a specious moderation. Socinianism had notoriously infected the minds of not a few of the clergy, and we know, from the highest authority, that some of the most active managers in ecclesiastical affairs could with difficulty be restrained from bringing forward a Motion for discarding the confessions of faith and all texts of orthodoxy—a fit Motion to accompany its predecessor, which virtually declared, in the face of the unanimous judgment of the Church of Scotland from the beginning, that patronage was no grievance! None more fit for wreathing an oppressive and degrading yoke about the necks of the people than those who would release themselves from the obligations of the most reasonable bonds, into which they had themselves voluntarily entered. But no minister will now choose to recall that melancholy era, and I scarcely think that even a ruling elder, honourable or simple, will be found so bold as to appeal to the act by which the light of the Church of Scotland was put under a bushel, and her glory turned to shame. If our rowers wish to shipwreck the vessel, of which they have obtained the management, they will steer it by the lurid star of 1784.

He had made these extracts in vindication of many respectable petitioners. No imputation was more grievous to them, than to be taxed with hostility to the Church Establishment of Scotland. He had endeavoured to show, that they were borne out in their opinions by the concurrent testimonies of many persons, whose names were associated in Scotland with everything that was true, honest, and of good report—that when the system, for which they contended, was practically tried, it produced the happiest results—and that the reign of uncontrolled patronage was, at least, not uniformly referred to as the season when dissent was silent, the people satisfied, the doctrines of the Church most faithfully preached, and its ministers possessed in the highest degree the confidence, respect, and affection of their parishioners.

Petition laid on the Table.

OATHS OF CATHOLIC MEMBERS.] Mr. *O'Connell* rose to move for the appointment of a Committee to consider the oaths which were taken, and those, if any, which ought to be taken by Members of the House. He trusted that the importance of the question would induce the House to comply and allow of the nomination of the Committee. He acknowledged that his object was to abolish all religious oaths upon Members taking their seats in that House, and, if necessary, to substitute a declaration disclaiming, in the most unequivocal manner, all species of bribery and corruption at their election. Whether the House were disposed to go so far as he wished to go or not, ought not to influence them in deciding the question, whether a Committee should be appointed or not. He was prepared to lay before the House the strongest grounds for the appointment of such a Committee; and they were to be found in the nature of oaths taken, being different in one class of Members from those of another. In fact, there were established three different modes of swearing or affirming in coming into that House—the Protestant swore—the Catholic swore—the Quaker affirmed—and the Moravian would have an equal right to take his seat on making an affirmation if elected. He thought, that the time had now arrived when the necessity of taking an oath because of the religious persuasion of the person to whom it was administered, ought to be done away. The oath ought to be a universal one, and in such an oath he of course included affirmations. The recollection of the oath only existed while the Members were at the Table taking it, and for the rest of the period that they sat in the House it was completely forgotten. It might be said, that such a form of oath was meant to convey subjugation on the one, and domination to the other. An oath founded on such a principle, would be scouted by an overwhelming number in that House. The Catholics in that House ought not to be placed in an invidious light. He wished the distinctive character of the oaths administered should be abolished, and that all chance of equivocation in respect to the oath should be for ever set at rest. He asked, if there ought to be the slightest chance of equivocation existing in respect to any oath that might be taken by Members in that House? He felt disgusted as a Catholic, that any one in that House should put a different construction upon the oath which he had taken, but that which the oath conveyed, and which he solemnly felt it ought to bear. He contended, that the person taking an oath should be bound by the plain meaning of the oath, and not by the construction he or any other person might give it. The oath taken by the Catholics in this House should not have any other construction put on it than that which it bore upon the face of it. With all the respect he had for the opinions of hon. Members in general, he differed from them, and more particularly from the hon. member for St. Andrew's (Mr. Johnston), when they said, that Catholics did not feel themselves bound by the oath, unless upon their construction of it. The hon. member for St. Andrew's was a gentleman of strict integrity, no doubt, and as such would be conscientiously bound by the meaning, and not his own construction of an oath. Then why, he would ask, should the hon. Member conclude that the Catholics possessed not as much integrity, and were not as regardful of the solemn obligation of an oath according to its meaning as the hon. Member or other conscientious men? He would wish the House to understand, that he (Mr. O'Connell) would not be there if he conceived for a moment that he could take the oath according to the construction which he or any other Catholic might choose to put on it. He would in the most solemn manner declare that he would vacate his seat in this House if he thought that a different construction of the oath, from that which the House attached to it, had been by possibility put on it by him. There was a magazine called the "Catholic Magazine"—one, doubtless, very little known to the Members of this House, and indeed to the country generally. It was edited by highly talented and learned Catholic clergymen; it was needless to say religious, and, as such, conscientious men. In this work it had been rather a matter of controversy whether Catholics could conscientiously take the oath imposed upon them on becoming Members of that House. For his part, he would not hesitate to say, that he had taken the oath according to its meaning, and in the full sense attached to it by the House; and he felt that he could do so with a safe conscience, and with the most perfect regard to the religion which he professed, and in relation to the religion of the State, which he could have no desire to disturb. There could be no controversy about the oath as it now stood, because there was nothing in it to prevent a Catholic from acting as he pleased with respect to the temporalities of the Established Church, either as regarded the power, authority, or emoluments of the Church. But it might very reasonably be asked why there were any oaths of a distinctive religious nature at all? It was in the reign of Henry 6th that an oath was first tendered to a Member of the House of Commons, and for only one year in that reign. The oath was merely to bind the Members to keep the peace. It was preceded by no other, nor was it followed by any other, until the distinctions in the religious communities took place at the Reformation. By the 1st of Elizabeth, c. 1, s. 9, the Oath of Supremacy was enacted, but it was not required to be taken by any Member of that House. By the 5th of Elizabeth, the Oath of Supremacy was, for the first time, required. However, the great majority of the Peers still continuing to be Catholics, there was an express clause that the oath should not be required of the Lords, and it was not required till the reign of James 1st. From the 5th of Elizabeth, till the 1st of William and Mary, the law stood in this way; and, in the 7th year of that reign both Houses were required to take the Oath of Supremacy. That oath distinctly asserted the King's supremacy, not only over temporal matters, but, in the words of the oath, over all spiritual causes and things. This was changed at the Revolution — and why? Because the Presbyterians of Scotland could not acknowledge the King as a spiritual head. To meet their scruples the oath was changed into a negation of spiritual dominion in any foreign prince, prelate, or authority whatsoever. That satisfied both Presbyterians and members of the Established Church; but it was as repugnant to the Catholics as the former oath, for they did acknowledge a spiritual authority resident in a foreign country—viz., the authority of the head of their church —the Pope. The act of the 1st of Elizabeth did not extend to Ireland; and, although the Act of the 5th of Elizabeth did extend to Ireland in terms, it did not in terms extend to the Irish House of Commons, so that, throughout the reigns of Elizabeth, James 1st, and Charles 1st, there was no obligation upon members of the Irish Parliament to take the Oath of Supremacy. But in May, 1661, the Irish House of Commons, consisting of Cromwellian officers and soldiers, passed a Bill to make it obligatory upon members to take that oath; but the Bill was subsequently lost, and Catholics sat in Parliament until after the Revolution. In violation of the Treaty of Limerick, the English Parliament passed an Act (the 13th and 14th of William and Mary, c. 2.) to compel members of the Irish Parliament to take the Oaths of Supremacy and Abjuration. But that Act was constitutionally void in Ireland until the year 1782, when an Act of the Irish Parliament gave it the force of a law of the land. He was thus particular in going through these details, in order to show, that religious oaths formed no part of the original constitution of that House, but that they were invented merely for the purpose of excluding persons professing certain religious opinions, from the privileges of seats in Parliament. But this reason no longer existed, and it was absurd and ridiculous, to continue the practice. In 1829, considerable alteration was made. In that year an act was passed which established the oath which was at present taken by the Roman Catholics; and by the same Act another very excellent alteration was made by striking out of the oath taken by Protestants the declaration that the worship of their fellow-countrymen, the Catholics, was impious and idolatrous. That was an excellent alteration, for it would not have been pleasant to have sat and heard the old oath administered. There were, however, still some strange anomalies between the oaths taken by the Members of that House. On one side of the board he saw three oaths that were required to be taken by the Protestant, while, on the other side, he found only one that the Catholic was required to take. The Protestant was called upon to abjure the house of Stuart, while the Catholic was not. Now, he had always understood that, in point of politics, the Catholics were the class of persons who were most likely to have a leaning that way; he should have thought the common-sense view of the matter was, that that oath should have been exacted from the Catholic, while the Protestant should have been exempted from it. Protestants were also called upon to swear that they would never bear any allegiance to any descendants of James 2nd. And, how stood the fact? Why, no such descendant was now in existence. Was not that taking God's name in vain? Would it not be more in accordance with the spirit of the present day that all Members should be required to take one oath only—that of allegiance to the Crown—which was an oath in which all could join—no Protestant would refuse it, and no Catholic had the slightest objection whatever to it. The Catholic oath, in its former part, was an oath of fidelity and allegiance. He saw no objection to that, though it was certainly different from that adopted by Protestants. He was ready to testify his allegiance to the heirs of Princess Sophia, being Protestants, as if the oath had been administered to him; but there was a part of the oath which he considered a complete insult:—"And I do further declare that it is not any article of my faith that any princes excommunicated by the See of Rome may be deposed or murdered by their subjects, or any person whatsoever. Why should the Catholic be called upon to swear that he should have no objection to make the declaration? But what right, he would ask, had the House to insult him, by calling upon him to take such an oath? Was it possible for any man to be so destitute of moral feeling as to consider that he had a right to murder any man because the Pope excommunicated him? In his opinion the oath would be no sanction to any man who believed in anything so monstrous and unjust. He called for a Committee to inquire whether such an oath was necessary; if it were, he would bend his neck to the yoke—he would submit. But he denied, that it was necessary, and, therefore, he considered it imperative on him to call the attention of the House to it. He had the most ineffable contempt for the doctrine implied in that oath. To that part of the oath wherein the Pope's jurisdiction was renounced, he had no objection. He would pledge his most solemn sanction to that—but, if it were necessary to swear resistance, even unto death, of any foreign interference in these matters in these realms, there was no Protestant half as anxious as he was to take such an oath. But what dread did any rational person entertain of the temporal power of the Pope? Heaven help the maniac who could imagine that the Pope, who was trembling for his own small dominions, could put the temporal authorities of these kingdoms into jeopardy. Was it not a monstrous thing to think, that these realms should at any time be invaded by a regiment of cardinals, and a squadron of friars turned into riflemen? The oath then went on—"And I do swear, that I will defend to the utmost of my power the settlement of property in this realm as by law established." That prevented his making any alteration in the law regarding property, but it was an undoubted fact, that that law had been frequently altered. He could mention an instance in which, by an act passed during the last year, a gentleman became the inheritor of property to the amount of 4,000*l.* a year, which he could not inherit as the law previously stood, and which he had not the most remote prospect of enjoying. Therefore, that part of the oath was quite absurd, and the man who took it that year would have different impressions on his mind from the man who took it the previous year. He only threw that out to show how far equivocation would go as regarded that oath. The argument he used had been used on a former occasion with respect to the Coronation Oath. What millions of pamphlets—what masses of arguments and thousands of speeches had been used regarding the violation of the Coronation Oath, all turning on the mere equivocation of the words, or the different interpretations which different individuals might give them! Did it require the Catholics, any more than the Protestants, to swear that they would defend the state of property? If they did not swear the Protestants, why did they swear the Catholics? The oath then went on—"And I hereby disclaim, disavow, and solemnly abjure any intention to subvert the Church Establishment, as by law established within the realm." The same solution might be applied to that as to the former paragraph; and here again he would adduce the occurrences of last year, when Ministers had passed the Church Temporalities Bill—a Bill which had unsettled the Church Establishment more than any Act that had taken place since the Revolution. What he (Mr. O'Connell) required, was a Committee which should put an end to these equivocations. The oath went on—"And I do solemnly swear, that I will not exercise any privilege to which I am or may be entitled, to disturb or weaken the Protestant religion, or Protestant Government within the realm." What was the meaning of Protestant Government now in this country? Was a man satisfied to swear that Government was a Protestant Government, when the whole of it might be Catholic. The whole of the judicial seats might be filled with Catholics, with the exception of the Chancellor; when the navy, the army, and the Magistrates might be Catholics? In point of law, all who were admitted into the Government, with the exception of the Chancellor, might be Catholics. Was it safe, then, to swear, that such a Government was a Protestant Government, when there were only two officers—the King and Chancellor—at all connected with it, whom it was necessary should be Protestant? He could not but feel that this was a point of great difficulty. He might be laughed at for his scruples, but he could not help acknowledging his scruples on this subject had been very great. He had been told, that it was the Legislature itself which had passed the Act, and as the word Protestant had been introduced, must have intended such a Protestant Government as now existed to have been understood—namely, composed only, as it might be, of a Protestant King and Protestant keeper of his conscience, all the other members being Catholics. He trusted he had not done wrong in taking up a strong feeling on this question; but such feeling he entertained. Was it intended to be said, that there was not a great difference between Protestantism and a Protestant Government? They certainly were, as far as he was capable of distinguishing between them, most essentially different; and this was a fact which the House ought gravely to consider, when it called upon Members who took their seats there to take the oaths which it was considered necessary to administer to them. What was the meaning of the word privilege in the Catholic's oath? He knew that Johnson gave it two meanings—namely, immunity and advantage. Immunity was here out of the question. Then, as to the other meaning: could it bear that? Was, he would ask, sitting in that House an advantage? Surely not, for he and every Christian could have a seat in that House. He called on them, then, to define the meaning of the word privilege. As far as he was concerned, he did not wish to vote upon any matters relative to Church affairs—not because the word privilege was in the oath, but, as a Catholic, he did not think he should interfere in these concerns. The word privilege, then, was equivocal, and he wished all equivocation to be got rid of, so that it would be out of the power of one hon. Member to put one construction upon the oath, and another hon. Member another. There should, in fact, be no mistake upon the subject, everything respecting it should be intelligible. He thought he had certainly made out a case for an inquiry into this oath in particular, so that it might be put upon a footing which would take away all equivocation in its meaning. But, he asked, whether he had not made out a case for inquiry generally, for why should the Protestant be called upon to take the name of God in vain by abjuring the House of Stuart. The thing would be laughed at out of this House; for his own part, he did not know or care whether the Sardinian royal family was nearer to the House of Stuart than our own, but if he were a Protestant, he did not think, that he could take the present oath of supremacy. Then he came to that part of the oath which declares that no foreign prince or prelate has, or ought to have, authority ecclesiastical, or temporal, within this realm. Now, he could conceive a Protestant denying that there ought to be any supremacy by a foreign prelate in this country, but he could not see how the same person could swear that the Pope had not authority and supremacy in the realm. He did not see how this could be sworn to by a Protestant in the presence of him (Mr. O'Connell) who acknowledged that supremacy. When a college for the education of Catholic clergymen was supported by Act of Parliament, and visitors, Protestant and Catholic, appointed over it by Act of Parliament, that Act expressly ordering, that all matters relating to the doctrine and discipline of the Catholic Church should be under the control of Roman Catholics, it was most absurd to make a solemn attestation to God in that House, that the Pope had no spiritual authority in these realms. He had such authority, and he had spiritual jurisdiction as sure as the sun would rise to-morrow. There might have been some feasible excuse for such an assertion, when the Parliament consisted exclusively of Protestants, and when that Parliament, one and all, would not recognize that authority. But of what use was it now, when there was no longer any distinctive reprobation of Catholics, or any distinctive exaltation of Protestants? He thought, that in such a case the House, at least, could not refuse a Committee of Inquiry. He knew the Catholic oaths had been framed as a safeguard for the State—a safeguard forsooth! He had read a thousand speeches in which the uniform expression was, "if you let Catholics into the House, you will upset the old institutions of the country—for though they may be only few—only forty or fifty in number—they will always league together; and, by so doing, have the power of injuring Protestantism, and the State, to a fearful extent." Now, what was the fact of the case? Since the admission of Catholics to the House, they had never voted together but once, and that once, he was happy and proud to say, was in favour of the Jewish Relief Bill. On the Reform Bill, one Catholic gentleman of high rank and very large property voted against the country, and on all other questions they were never united. Not only did the English Catholics differ from the Irish, but the English and Irish Roman Catholics also differed among themselves. This was a convincing proof of the absurdity of the prophecies and the uselessness of the oaths. If any oaths were to be taken at the Table, let them be respecting the conduct of Members in that House. Let them be subjected to the same obligations to do justice as were imposed upon Judges and Juries. Let each Member swear, or solemnly declare, that he would vote according to his conscience. But, above all, what the people most particularly required was, that their Representatives should pledge themselves that no means of corruption or bribery had been used to obtain their seats. These were the topics to which a Committee should direct its attention, and upon which the House should afterwards adjudicate. Reform was of little value to the lower classes of the constituency, if the higher classes were to be permitted still to carry on the system of corruption by bribes. He did not press this particular point much, but he claimed it as one of the topics which the Committee should take into its consideration. He should not trouble the House further, but, thanking them most gratefully for the patient attention with which he had been heard, he begged to assure the House, that he brought this question forward in the full sincerity of a conscientious belief, that it was absolutely necessary a final construction should be put upon this Act, and that if distinctions were to exist between one side of the House and the other, they should be so marked and prominent that no man could be in any doubt as to their force and extent. He concluded by moving, "that a Select Committee should be appointed to consider the oaths now required by law to be taken by Members of that House, and to report its observations thereon to the House; and also to consider the propriety of altering or abolishing those oaths, and substituting other oaths or declarations in lieu thereof."

Lord *Althorp* did not intend to follow the hon. and learned Gentleman through the arguments which he had advanced, but should content himself with saying a few words in reply to his observations. The first question that presented itself upon this subject was upon a point of form—namely, whether, even supposing the Motion to be a proper one in substance, the referring such a question to a Select Committee was the proper mode of dealing with it. There was no inquiry for the Committee to make with regard to facts. The House was already in possession of all that could be known on the subject. It had the oaths before it, and was as competent to decide upon their nature and effect without the intervention of a Committee, as it could be afterwards. The question, therefore, was one which, in all reason, ought to be decided by the whole House; that was the only way in which it could be satisfactorily and properly decided. Having made this objection to the Motion in point of form, he should not, as he had said, follow the hon. and learned Gentleman through his arguments, because if the hon. and learned Gentleman had paid any attention (which, perhaps, he had not) to the opinions declared by those with whom he acted, he would know, that as to the question of these particular oaths, they had never laid any great stress upon their value as a security; but the House must recollect, that at the time when the Catholic question was discussed, objections were made, not merely by Members of that House, but by numerous bodies out of doors, to the removal of all securities; and it was considered necessary to the carrying of that question, that such concessions should be made to the popular feeling on this point, as would be compatible with the free exercise of the Roman Catholic religion and full liberty of conscience. That took place five years ago, and the question which he should submit was, whether it would be prudent, at that time, to discuss the subject, with a view to the removal of what had, at least, been considered a great safeguard at the time of the passing of the Catholic Relief Bill. At the same time that he said this, he must confess, that he agreed in a great measure with what the hon. and learned Gentleman had said with respect to oaths. He knew that there were many who differed from him upon this subject. He had great difficulty in entering into their feelings, but he thought, that at a time so little remote from the period when that compact was made, it would be unwise to open the question again. He repeated, however, that in a great deal of what had fallen from the hon. and learned Gentleman he coincided. The oaths were intended not to interfere with the privileges of those Catholics who should be sent to that House. As to the construction which the hon. and learned Gentleman said some persons put upon the Catholic Oath, it had been so completely disavowed by the House on a former occasion, that no Roman Catholic Member need feel any scruple of conscience at what had been intended by the oath. This being the view which he took of the question, he thought it would be better for the hon. and learned Gentleman to propose a Bill explaining the view which he took of the Act, and what ought to be the construction of the oath. He believed the House would be inclined to concur in his opinion, that it would not be prudent now to enter into the question. It did not appear to him that there was any great practical grievance to be complained of. He agreed with the hon. and learned Gentleman, that the oath taken by the Protestant Members was a greater grievance to them than the Catholic Oath to the Catholics; but he did not think there was reason to complain of any great practical grievance on either side. He had only to repeat, in conclusion, that knowing the feelings of a great number of persons in this country, he doubted the propriety of opening up the question.

Mr. *Langdale* concurred with the hon. and learned member for Dublin that upon the words of the oath some difficulty and doubt did arise. When that was the case, the only course to be pursued was, to see what interpretation was put upon oaths of a similar character. Were there any oaths of a similar character to those in question? The first to which he should allude was the oath taken by the King himself. Different opinions prevailed as to the construction and effect of that oath; and he well remembered the hon. Baronet, the member for the University of Oxford, positively stating, when the Bill for the reform of the Irish Church was introduced last year, that it was incompatible with the King's oath to sanction such a measure. Now, in what more direct terms were the Catholic Members called upon to speak than those employed in the King's oath? His Majesty was asked by the Archbishop, "Will you preserve to the bishops and clergy of the Established Faith the churches committed to their care, with all the rights and privileges which do or shall appertain to them?" and he answered, "I will." The same latitude of interpretation must be allowed to the Catholic Oath as to that taken by the King. There was another oath framed a short time before the Catholic Oath. When the Test and Corporation Acts were done away with, an oath was provided to be taken by all his Majesty's subjects upon entering office. The Ministers of the Crown were bound by exactly the same oath as the Catholics in Parliament. The Catholic Oath was, as nearly as possible, word for word the same as the oath taken by the Ministers of the Crown; and did any man mean to state that that oath prevented the Ministers of the Crown from giving the King such advice as they thought would be for the benefit of the country. The oath taken by the King's Ministers was, that they would not exercise any power, authority, or influence, which they possessed by virtue of their office, to injure or weaken the Protestant Church, or to disturb the bishops and clergy of that Church in the possession of their rights and privileges. These were nearly the very words used in the Catholic Oath. No man could suppose that, in introducing the Church Reform Bill which they had brought in last year, the Ministers of the Crown had acted in contradiction of that oath. At the same time he agreed with the hon. and learned member for Dublin, that it was most desirable this question should be settled. He and the other Catholic Members stood in a most painful position, because it was in the power of any man to insinuate that they were regardless of the obligations of their oath. It was therefore only an act of justice to clear up the point one way or another. For his own part, he would never condescend to sit in that House if he were not to enjoy the same privileges as his fellow-subjects. He would not consent to hold his seat there under pretence of being a legislator, but without power to legislate; or to be marked with a stigma, as belonging to an inferior class. In that case the Catholic Members would have been sent to that House under a false presumption, for their constituents supposed that they were to have the same powers as the Protestant Members. He should be happy to concur in any course which would most speedily and satisfactorily settle the question.

Sir *Robert Peel* said, he concurred with the noble Lord in the opinion he had expressed, that, if it were advisable that this question should be taken into consideration at all, it ought not to be referred to a Select Committee. It was a matter upon which the House of Commons ought itself to decide. It belonged to the House and not to a Select Committee to regulate the qualifications and conditions upon which a Member should hold his seat. He did not concur with the noble Lord, when he said that this objection was one of form. It was more than a question of mere form; it was a question of principle. The noble Lord had justly said, that the House had before it the oaths taken both by Protestant and Catholic Members. There was, therefore, no necessity for further inquiry through the medium of a Committee, and he for one would not consent to devolve upon a Committee the duty of deciding whether those oaths should or should not be taken. He would not allow a Committee, by such a decision, to prejudice the future consideration of the question by the House. It was quite clear that, if the subject was to be considered at all, it ought to be by bringing in a Bill to alter the oaths, and it was of great importance not to confound the provinces of Committees and of the House, because their operations would be impeded, and their usefulness impaired, if they were so confounded. With regard to the proposal for a Committee of Inquiry, he thought that the argument of the noble Lord was quite conclusive against it. But, in addition to that argument, the hon. and learned member for Dublin had also afforded him another. The hon. and learned Member had said, that if that Committee were to put a certain construction upon the words of the Catholic Oath, he should feel himself bound in conscience to vacate his seat. The moment the hon. and learned Gentleman allowed that sentence to escape his lips, he felt that the hon. Member had furnished the House with an irresistible argument against his own proposition. If a Committee were to have power to express an opinion which should compel a member to vacate his seat, the House ought not to consent to the appointment of such a Committee. It ought, if his expression of an opinion were unavoidable, to express it on the authority of the whole House to appoint it, especially when the

House was at least as competent as any Committee which it might appoint to form a decision upon the subject? Independently, however, of these considerations, he regretted exceedingly that this question had been agitated at all. He thought that if it could have been foreseen by the people of England in the year 1829, that, within the short space of five years, from the passing of the act which removed from the Roman Catholics every civil disability under which they laboured, an attempt would be made to repeal the oaths which were devised as securities by the framers of that Act, and that such an attempt would be made by a Roman Catholic member of so much weight and influence with his fellow-Catholics as the hon. and learned member for Dublin, the difficulties which attended the passing of that act of relief, would have been greatly, perhaps, insuperably increased. He did not mean to contend that there had been any formal compact made with the Catholic body for the maintenance of the existing oaths, but there had been a compact which, although tacit, was well understood both by Catholics and Protestants, and which ought to be morally conclusive. Nothing could be more unwise, after the people of England had been prevailed on to forego their deep-rooted impressions on this subject, and after the House of Lords, which had repeatedly placed on record its objections to any measure of Catholic relief, had been prevailed on to relinquish its opposition to it—after both the people of England and the House of Lords had considered these oaths to be valid securities against the dangers which they apprehended, or, if not valid securities, to be at least the best that could be devised, nothing could be more unwise, nothing more calculated to check all liberal concessions in future, than the proposition of the hon. and learned Gentleman to set aside the conditions on which the disabilities had been removed. From the manner in which the hon. and learned Gentleman had argued respecting the Roman Catholic oath, a stranger would infer that it was an oath recently devised, required from the Roman Catholics now for the first time, that it was an oath which, if not grating to their consciences, was certainly revolting to their feelings. But the House surely was aware that this oath was not imposed for the first time on our Roman Catholic fellow-subjects by the Relief Bill. At the period of introducing the Relief Bill no one had been more desirous than himself to exclude from the oath every declaration or disclaimer that could be either grating or insulting to his Catholic countrymen. He had met with considerable difficulty in carrying the oath so cautiously and so guardedly worded through that House; but he had been fortunate enough to overcome that difficulty, and so had been enabled to exclude from that oath every thing which could be construed to imply in point of civil worth inferiority on the part of the Roman Catholics. Was not the hon. and learned Member aware, that, under an act passed by the Irish Parliament, in 1793, he was required to abjure on oath many principles and doctrines imputed to the Roman Catholics, and that he could not have been called to the bar without so abjuring them? Let the House compare the oath prescribed by the Act of 1793 with that prescribed by the Act of 1829, and it would see how much less reason the Roman Catholics had to complain of the latter oath than of the former. It was insulting to the feelings of the hon. and learned Member, he said, that he should be called upon to declare, that "he made the declaration and every part of it in the plain and ordinary sense of the words of the oath, without any evasion, equivocation, or mental reservation whatever!" If the Roman Catholic had been then, for the first time, or if he specially had been required to make this declaration, he might, perhaps, have reason to complain; but, in the Oath of Abjuration, the Protestant was called upon to make the same declaration, for he was called upon to declare that "all these things he did plainly and sincerely acknowledge, and swear according to the express words by him spoken, and according to the plain sense and understanding of the same words, without any equivocation, mental evasion, or secret reservation whatsoever." If, then, there were any disparagement to the party who took the Catholic Oath, there was, at any rate, the same disparagement to the party who took the Protestant Oath. The hon. and learned Member had then entered into considerable details, into which he did not intend to follow him. The hon. and learned Gentleman had told the House, that he did not clearly understand what was meant by the terms "Protestant religion, and Protestant Government;

as by law established." Now, again, if those terms had been introduced for the first time into the act of 1829, there might have been some foundation for the remark; but what was the oath which the hon. and learned Gentleman had himself taken, in common with every other Irish barrister, in order to exempt himself from the operation of the penal laws? These were the words of the oath, prescribed by the statute of 1793. [The right hon. Baronet read the oath, from which it appeared that the Roman Catholics were called upon to swear, that "they would not exercise any privilege which they might derive from their situation to disturb and weaken the Protestant religion, and the Protestant Government as by law established within these realms."] Every Roman Catholic now at the bar had taken that oath; and he was very much mistaken, if that oath had not been drawn up with the privity and consent of the Roman Catholics themselves. Every word in that oath had been carefully and maturely considered, and Catholic lawyers and Catholic divines, had both certified that there was nothing in it repugnant to the faith, or revolting to the feelings of Roman Catholics. As the Roman Catholic Bill was not passed with undue precipitation, as it was under discussion for several weeks, would it not have been more just if the hon. and learned Gentleman had stated his objections to this oath before the measure of relief was passed? The language perpetually used by the most zealous and powerful advocates of emancipation, by Mr. Grattan, by Mr. Canning, and by Lord Castlereagh, was to this effect:—"Tell us the dangers which you anticipate from Catholic emancipation; tell us the securities which you want against those dangers, and we will obtain satisfaction for you from the Catholic body?" Why, if the grievance was now felt to be so afflicting, was it not stated at the time? But the grievance was not afflicting, and if no Roman Catholic had hitherto refused to accept a seat on account of the difficulties with which this oath incumbered him, was it wise in the Roman Catholic,—was it just to the Protestants of the empire,—to attempt to disturb a settlement which both parties had agreed to consider as final? He considered the Motion to be in every point of view, most impolitic. He did not wish to introduce any acrimony into this discussion—he was always anxious to avoid anything like personality; but he could not help recalling to the recollection of the House that when the hon. and learned Gentleman was returned in 1829 for the county of Clare. He appeared at the Bar of that House, and said in distinct terms, "Let me take the oath provided in the Catholic Relief Bill." The following were the words used by the hon. and learned Member:—"Mr. O'Connell then proceeded to address the House. He said, he thought he could not be accused of affectation, when he stated that he was very ignorant of the forms of that House, and therefore he required the kind indulgence of the House if he should happen to violate them. He said, he was there to claim his right to sit and vote in the House as the Representative of the county of Clare, without taking the Oath of Supremacy. He was ready to take the Oath of Allegiance provided by the recent statute, entitled 'An Act for the relief of his Majesty's Roman Catholic subjects. He was desirous to have that oath administered to him, and, of course, must be prepared to verify his qualification in point of property; and whether the House should be of opinion that he ought to be permitted to take the new oath or not, he respectfully required to be allowed to take the qualification oath. If he was allowed to take that oath, be it then at his hazard to sit and vote in the House. If he were allowed only to take that oath, he was content to run the risk of sitting in the House."* It was clear, then, from this extract, that the hon. and learned Gentleman had not at that time any objections to urge against the oath, for if he had entertained such objections, he could not have been "ready" and "desirous" to take it. If he did entertain such objections at that time, why had he not stated them? Why had he not brought them under the consideration of Parliament, in order to obtain a modification of them? Considering the reasons which had induced that House, and still more the other House of Parliament, to accede to the great measure of relief in 1829, he looked upon it as a most unfortunate circumstance, that difficulties should now be found in the securities which no one dreamt of while the Bill was under discussion. With respect to the Oath of Supremacy taken by Protestants, denying to any foreign prince, prelate, or potentate, ecclesiastical authority within this realm, the hon. and learned Gentleman must be well aware that the purport of that oath had been the subject of much controversy. He must also be aware, that there was a period in the history of this country, when Roman Catholics themselves did not object to take that oath. They did not, of course, thereby mean to deny to the Pope a purely spiritual authority over those who were willing to recognize it. All that they disclaimed, was, an authority sanctioned by law, a power to enforce any ecclesiastic jurisdiction or claim of superiority, but construed the oath to mean the negation of any power in the Pope to enforce his wishes by legal process. He was unwilling to involve the House in any theological controversy; but he rested his objection to this discussion, partly on the grounds of feeling, and partly on principle. Considering that no practical grievance had arisen from this oath,—recollecting all that passed in 1829, when so many persons were reconciled to Catholic emancipation, under the impression that these oaths gave to the state some degree of security—and fearing that now to break faith with them would have the effect of checking all disposition in future to liberal concession, he must resist the disturbance of a settlement solemnly made only five years back.

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* Hansard (new series), xxi. p. 1401.

Dr. *Lushington* did not rise to enter into any discussion as to the best form in which the question might be brought on, but to state his opinion that no oath whatever ought to be required from any Member of that House. He had never yet been able to discover that the administering of oaths had been attended with benefit. On referring to the transactions of past times, however apparently solemn the obligation of oaths might have been made, whenever an inducement sufficiently strong occurred, and the circumstances of the time were favourable, there had been no hesitation in violating the oaths, or in depriving the persons who imposed them of whatever security they expected to derive from them. He had many other reasons to advance against the existing system. In the first place, whatever might have been the case with an unreformed Parliament, he was opposed to any restrictions upon the free choice of the people of England in a Reformed Parliament. The people were competent to select persons to guard their interests, without requiring any additional guard provided by Parliament. They would now select those individuals whose political principles, or known character; and the esteem which the manner in which they had discharged all the duties of life had gained for them from their fellow-countrymen, were sufficient guarantees of their fitness to be intrusted with the great duty of legislating for the kingdom, without having oaths imposed upon them. There was no reason why a man should come fettered in that House upon any subject whatever. Be he Protestant, Dissenter, or Roman Catholic, there was no reason why his lips should be sealed up—why he should be precluded from openly and fearlessly declaring the truth. Why seek to suppress that? Why bar free discussion? If they had confidence in their principles both of Church and State, what reason was there to shut out the light of full and free inquiry? The right hon. Baronet said, that in 1829, when the Roman Catholic Relief Bill passed, a sort of understood compromise was entered into with the people, that certain oaths should be taken by Roman Catholics on their admission to that House. He remembered well what occurred upon that occasion. They who uniformly advocated the emancipation of the Roman Catholics were told, "Be content with what is offered to you; do not oppose the securities proposed, or you risk the success of the measure." He recollected with bitter, with, he might say, deeply-wounded, feelings the treatment of the forty-shilling freeholders of Ireland, —how shamefully they were sacrificed to pitiful jealousy, merely for doing their duty to their God and their conscience. Under such circumstances, he and those with whom he acted abstained from pressing many points. The times were greatly changed since then. Sentiments might now be freely expressed and opinions advanced with some chance of success which would not then be listened to. The light of truth and the voice of freedom had gone forth, and their guidance must now be followed. These oaths were framed with a leaning to one set of men in some points, and with the view of conciliating the prejudices of another set in other points. It was most unwise and inexpedient to retain oaths that admitted of diversified interpretation, which some might take in one sense, and somei n another. Was this the sort of example they should set to the people of England? Was this the way to gain respect to the solemnities and sanctity of an oath? Nothing tended more to desecrate the sanctity of an oath, and to render it almost contemptible, than the manner in which a sort of systematic swearing pervaded the whole of their institutions. It contributed much to endanger both life and property. A man's fitness for place should rest upon his known honour, integrity, and character, and not to be made dependent upon oaths. More had been done during the last five years for the improvement of the state of society and towards the removal of erroneous opinions than for the previous twenty-five years. The sooner, then, they got rid of such oaths as were now enforced in many cases the better, and by such a course the more likely would they be to retain the good opinion of the people. From the increased influence of the people of England, from their great intelligence and extended knowledge, he had no hesitation in saying, that at the present time he was the wisest statesman who was the most bold and courageous in his course. He was the wisest statesman who feared not the progress of knowledge or the improvement that was daily taking place around him—he who, influenced by the undeviating principles of truth and justice, made inquiries into those subjects which he considered for the benefit of society, and who made up his mind to bring forward remedial measures, that would sweep away the folly and ignorance that they saw around them. The statesman that commenced as he ought, and considered that nothing had been done whilst anything remained to be done, would obtain the confidence and support of the people of England. These were his honest opinions, and he trusted that ere long they would generally prevail in the reformed House of Commons. With respect to the proposition before the House, he must say with his noble friend, that the best plan was to agitate it in the House itself.

Sir *Robert Inglis* felt surprised at what had fallen from the hon. and learned member for Dublin, but he was still more surprised at the speech that had been delivered by the hon. and learned Judge who had just sat down. His hon. and learned friend had talked of sweeping away the folly and ignorance of past ages. To hear the hon. and learned Judge say this—recollecting the man who had preceded him in office within the last five-and twenty years,—to hear this from the hon. and learned Judge, knowing what he was, and knowing he would allow him to say, without any compliment, how deeply, sincerely, and conscientiously his hon. and learned friend felt on all occasions in this House, had been matter of greater surprise to him even than the observations of the hon. and learned member for Dublin. The hon. and learned Gentleman expressed a contemptuous disregard for all who had gone before him. It was not by a contemptuous disregard (on the part of his predecessors) of those who went before them, that the character of that very Court, or of the profession to which the hon. and learned Gentleman belonged, attained its present eminence; nor had it been by any such disregard of practice, principles, or precedents, that the House of Commons had attained its present position with the nation:—it had become great by consistently following principles; it was in practice, by changing only gradually, and of necessity—because change in itself was not beneficial—that the institutions of this country had become what they were. Even by retaining, in many instances, quiet error, rather than unruly truth (speaking only of practical policy) a nation might secure the substantial ends of Government. He was not surprised that the maxim which he had just quoted had not been received by the House with the favour which it deserved, because they had not recognised it as a maxim—not of his, but of one who was immeasurably superior to him—who established the principle, that, in practical politics, it was often better to retain quiet error, than admit unruly truth. He would not detain the House on that part of the subject, but would at once go to the question more immediately before the House. It was distinctly understood, when the measure for admitting the Roman Catholics to sit in Parliament—the passing of which he should never cease to deplore—was under discussion, that the Catholics were not to vote on any subject involving the interests of the Church. He had never, in that House nor out of it, nor since, nor previous to any Roman Catholic having taken a seat in that House, admitted, that the Roman Catholic who took the oath at the Table was at liberty to interfere with any measure touching the temporalities of the Church. By that opinion he was prepared to stand or fall. The hon. and learned member for Dublin might interfere where he had the power, but in that House he at once and distinctly told the hon. and learned Member, that he was bound by the oath he had taken not to interfere with the Church. He was a Member of that House when the measure was passed under which the Roman Catholics were enabled to sit in Parliament; and he would tell the hon. and learned Member,—he was bound to tell him,—if the *animus imponentis* of the Parliament which passed the Relief Bill were to be regarded, that the hon. and learned Member was entirely precluded from interfering with the temporalities of the Church, after the oath he had taken. The words were:—'I do solemnly swear, that I will preserve, 'to the utmost of my power the settle'ment of property within this realm, as 'established by law:—And I do hereby 'disclaim, disavow, and solemnly abjure, 'any intention to subvert the present 'Church Establishment, as settled by law 'within this realm:—And I do solemnly 'swear, that I never will exercise any privi'lege which I am, or may become, entitled 'to, to disturb or weaken the Protestant re'ligion, or Protestant Government, in the 'United Kingdom.' [Mr. *O'Connell*: Hear! hear!] If the hon. and learned Member who was cheering him said, that the meaning of that oath was, that he would support, or rather would not subvert, anything which might be by law hereafter established, (he, himself, not concurring in such measure so as to change anything which now is) he did not, so far, deny that the hon. and learned Member was right. He did not require him to do more than support what he found established by law; but he did hold the hon. and learned Member bound, by the terms of his oath, not to concur in any measure which had for its object the effecting of any change in property which was established by law when he took that oath. The hon. and learned Gentleman asked, what was meant by a Protestant Government? Grieving, as he should never cease to grieve, at the measure which had placed the hon. and learned Member in that House, he felt, that so long as the hon. and learned Member and those who agreed with him in religious opinions, took—as they were bound to take—that oath, he regarded it, *pro tanto*, as a security for his Church. So long as the hon. and learned Member did that, and so long as such a protection as the Coronation Oath was afforded to the Protestant Establishment of the country,—so long as the House claimed that oath to guard the National Church,—his answer would be, that the present was a Protestant Government—that the King was essentially Protestant. He would not confine himself to the Executive; but the King had stated, that he would maintain the Protestant religion, and upon that he would rely, and enter his strongest protest upon what had been advanced to the contrary in the House that evening. It had been said, that, after so much had been conceded, and after Catholics had been allowed to take their seats in that House, that it was unnecessary to retain the present oaths. He, however, would reply, that, granting that one security had been removed, that was no reason why another should be removed. The hon. and learned Gentleman asked, why abjure any princes of the House of Stuart? The answer was so obvious, that it could not have escaped the hon. and learned Gentleman. It was this:—they did not abjure allegiance to any living prince of that House (since there was no prince living to claim it), but they denied the right of the Stuarts, at any time since the Revolution, to have reigned in England. If they did not so renounce the legal rights of the descendants of James 2nd, they should virtually give their sanction to their claims respectively, and might allow a question to be raised in respect to their acts in the intermediate time. By the oath they declared, not merely that those princes had no right to the Throne of England, but they refused to recognise any transfer of property, any grant of any rights by them, and, generally, any of the acts of those who claimed this Throne since the Revolution. With respect to the reference which the hon. and learned Gentleman made to the House of Lords in the first Parliament of Queen Elizabeth, he was rather surprised that the hon. and learned Gentleman could have asserted that the majority were Roman Catholics; for there were not more than twenty lay Peers sitting in the House of

Lords at that time, above the number of Bishops. There was one part of the speech of the hon. and learned Gentleman which he would venture to say, surprised every individual in the House, whether he were Roman Catholic or Protestant. The hon. and learned Gentleman asked what was the privilege of sitting in Parliament? Was it for that which the hon. and learned Gentleman now regarded as no privilege, which he repudiated and trampled under his feet in scorn,—was it for that, that those who felt deeply upon the subject in opposition to the hon. and learned Gentleman, acceded to his claims, and the claims of those who thought with him? and was the hon. and learned Gentleman now to turn round upon the House and say, that, in so doing, they only conceded that which was a proper subject for his scorn, and fit matter for his contempt? Was that the return which the hon. and learned Gentleman made to those who, at the sacrifice of their own feelings, consented to admit him into the House? The argument of the hon. and learned Gentleman was virtually directed against all oaths. To that argument he gave a more decided negative than was given to it by the noble Lord; believing, as he did, that, without oaths—without a solemn appeal to God—as the history of past times fully proved, there could be no stability or security for any system of society. He could not refrain from saying here, that he felt considerable surprise at one of the statements of the learned Judge. The hon. and learned Judge opposite said, that he regretted that the practice of oath-taking prevailed to an iniquitous extent in England; and that, in many instances, oaths were but mere matters of form; and the persons who took them had no regard to the truth of what they swore. Coming, as these observations did, from his hon. and learned friend, they might almost be considered as coming from the judgment seat. These remarks had given him great pain. Was his hon. and learned friend prepared to get rid of all oaths in the country? Was he prepared to look forward to a state of society in which the sanction of an oath was not considered binding? The declaration that had been made by his hon. and learned friend had nothing directly to do with the subject before the House. He, therefore, hoped that it was merely a careless expression. In conclusion, he must state, that he should vote with the noble Lord, and give his strenuous opposition to the Motion of the hon. and learned member for Dublin.

Dr. *Lushington* explained: He never intended to recommend the abolition of oaths of all descriptions. He merely meant to protest against the unnecessary administration of oaths in that House, and in the country, the practice of which tended to destroy their effect when administered in Courts of Justice.

Mr. Secretary *Stanley* concurred entirely in the opinion just laid down by his hon. and learned friend (Dr. Lushington); and was glad that his hon. and learned friend had risen to give an explanation. He agreed that, in the multitude and unnecessary multiplication of oaths, there was the greatest danger that a strict observance of those oaths would not be regarded, by which means the strong and general impression as to the security of the obligation of an oath would be diminished. He felt bound to say, however, that he certainly thought that one observation of his hon. and learned friend justified the impression, that he was against the administration of oaths altogether. His hon. and learned friend said, that the doctrines which he had that night advanced would not have been tolerated in an unreformed House of Commons. He wished that some of the doctrines which had been laid down by his hon. and learned friend might never be tolerated or supported in any House of Commons. He (Mr. Stanley) had ever given his cordial and earnest assent to the measures of relief to the Catholics and the Dissenters, which he considered of the greatest importance. He had supported two measures, to which, ever since he had taken part in political transactions, he had considered himself bound and pledged, not by previously-declared opinions; but he felt himself bound by the dictates of his own feelings, and by the convictions of his mind, to get rid of all impositions and checks on the civil rights of those who dissented from the doctrines of the Church of England. Another great measure, to which he considered himself pledged, was one by which the people of England would have the power of checking and influencing the proceedings of the House of Commons. He rejoiced that measures for the attainment of these great objects had received the sanction of the Legislature: and by supporting them he did not consider that he was bound to give up any security to the Established Church of England. Nor did he believe for one moment that, by doing so, the Members of that House were abjuring the bond to support the Protestant Government of the country, on the one hand, or binding themselves to be the slaves of popular caprice on the other. His hon. and learned friend behind him said, that the last five years had seen a wonderful advance in popular feeling upon this subject; and, indeed, it might be his (Mr. Stanley's) misfortune to be left behind by the popular feeling, in consequence of entertaining such opinions as he had then expressed; but he would only observe that, from the first time he had supported the claims of the Roman Catholics to sit in Parliament, he had not changed his political creed, nor his political principles. His views ever were to support the established religion of the Church of England—but at the same time to remove all those restrictions which might be deemed offensive to the feelings or consciences of those dissenting from the Church, and, still more, all restrictions which had been imposed on the civil rights of every class of his Majesty's subjects. Those opinions he had hitherto held, and those opinions he should continue to hold notwithstanding he might be passed, by bolder statesmen and left far behind by his hon. and learned friend, who laid it down as a maxim that he was the wisest statesman who was the boldest statesman; and by the latter expression his hon. and learned friend did not mean he who faithfully and cautiously watched over the best interests of the country and relied upon the sound and strong sense of the people of England; but he was the bold statesman, and therefore, the wiser statesman, who put himself at the head of every show of political agitation and excitement, and taking the lead in every clamour, with a view to quiet public opinion, and, above all, to consider that nothing had been done whilst anything remained to be gained. Such was the bold and therefore wise statesman of his hon. and learned friend. He admitted that a statesman pursuing such a course would be a bold statesman, but he must take the liberty of doubting his wisdom. His hon. and learned friend said, he would run before the popular voice. He would like to know how long his hon. and learned friend would be able to keep a head of it with anything like reason, and with satisfaction to him. Until some wiser politician arose—until some one entertaining more extreme opinions was found—until some man arose who was able to keep himself at the head of the political excitement of the day. Thus, then, the wisest statesman would continue his influence, and would endeavour to lead the public with him. His hon. and learned friend said, that he who went the farthest in yielding to the popular voice pursued the safest course. He (Mr. Stanley) had perfect reliance on the good sense of the people of England; he had confidence in the intelligence and integrity of the country; and it was his firm conviction, that as much public confidence was to be obtained and maintained by opposing steadily and consistently the political clamour of the day, as by following or yielding to public excitement and agitation. He therefore said, that he was the wisest statesman who followed, not the bold course, as it had been called, but who looked to the reflecting reason and the sound sense of the country, not to be influenced by idle clamour, but prepared to meet plausible objections on the one hand and disaffection on the other, but prepared to abide by and defend those opinions and doctrines he sincerely entertained. And not only would such a man be the wisest statesman, but also the most popular statesman in the only sense that popularity was worth obtaining. His hon. friend opposite (Sir R. Inglis) went too far on the other side of the question. His hon. friend was for supporting quiet and mild measures, and he objected to yielding at all to popular or political feelings. There was no one who could entertain a higher regard than he did for his hon. friend, from whom he so often differed on political questions. He was well aware of the mildness and quietness of his hon. friend's disposition, both in public and private, and he knew no one for whom he entertained greater respect; but if there was any point in his character with which he found fault, it was that of his toleration of error for the sake of quiet. It was his firm conviction that a statesman, when satisfied of the truth and justice of a political course, should follow it out firmly, sincerely, and conscientiously—that he should follow out those principles of the truth of which he was convinced, without regard to conflicting circumstances, which might for a time debar his progress in the course he was pursuing, and without regard to the misrepresentations to which he might be exposed. With respect to the importance of upholding the sanctity of an oath, no one could entertain stronger opinions than himself. He did not allude to taking an oath without having any regard to words, or to the obligation imposed, and when the terms of the oath were mere sound without sense, but to a sacred and solemn obligation. He had had some experience as to the manner in which oaths were occasionally administered. Indeed no man could have been present at a contested election without having seen many instances of the gross violation of oaths. On that point he would mention to the House a circumstance that occurred to himself some years ago. He was appointed one of the Commissioners to see that the oath on registering Roman Catholic freeholders was properly administered, and that perjury was not committed. At that time twelve men came up to be registered; they were all ready to swear that they had all the same home, that they were of the same profession, resided in the same house, in the same street, and claimed the right of voting on the same ground. He need not say, that he saw such a proceeding with horror and surprise; and it had, more than anything else, confirmed him in the opinion that it was the duty of the Legislature to get rid of all unnecessary oaths. With respect to the oaths which it had been proposed that night to abolish, he would in the first place observe, that he did take the same view of them as his hon. and learned friend, who said, that he sacrificed his conscientious opinions and feelings when he assented to their being introduced into the Catholic Relief Bill. Now he regarded those oaths as concessions made to those who felt more strongly than he did on the subject. He recollected that his right hon. friend the present Governor of Ceylon, proposed in the Committee on the Roman Catholic Relief Bill, that Catholics should be prevented voting in any matters connected with the established religion of the country. That proposition was rejected by the House; and it was not considered that there was any danger in allowing Roman Catholics to vote in any matters, supported as the Church was by the feelings, the opinions, and the affections of the great body of the people of England. It could not now be supposed that the people of England were indifferent to the question, aye or no; but still he must say he regretted exceedingly that such a question had been introduced, believing as he did, that it was calculated to raise a cry which once raised, must convulse the country from one end to the other. He did not know why the hon. Members opposite should object to his stating his deliberate opinion, that if any sound reason were furnished for such a cry the whole country would rise up *en masse* upon the subject. It was the bounden duty of a wise and prudent Government to suppress the agitation of all questions that might lead to raise up religious differences among the people, that could in any way excite Protestant jealousy, or that was at all calculated to cause disunion between Protestants and Roman Catholics, whom he desired to see placed upon an equal and proper footing. He himself had the honour of representing a large county in this country, and he believed that at least one-half the landed property of that country was at the present moment in the possession of persons of the Roman Catholic persuasion. He knew that every Roman Catholic in that county supported him at the last election; and he was not the least afraid of losing the support of that large, opulent, and respectable body of voters on any future occasion by strenuously upholding the Protestant religion and the Protestant Government of this country. He stated, without the least desire to give offence to any party, without being influenced by religious feelings—for he did not consider this to be a religious question but rather a question of political prudence, that it was his fixed and unalterable determination to support the Protestant Establishment both in Church and State, and to resist any attempt that might be made to endanger it, no matter whether by Roman Catholics, or by any other class or denomination of persons. As far as the Roman Catholics residing in the county he had the honour to represent were concerned, he could assure the House that no intention or desire had ever been manifested on their part that could lead to an inference that they were hostile to the Protestant religion being the religion of the State. On the contrary, they had never shown the least disposition to shrink from the full observance of either the spirit or the letter of this oath, and were as anxious as any other of his Majesty's subjects to preserve inviolate the rights of property as by law established in these realms, and to disclaim, disavow, and solemnly abjure any intention of subverting the Established Church as settled by law. It was his firm belief that it was not the wish of the Roman Catholics of this country that the Protestant religion or the Protestant Government of these kingdoms should be in any way disturbed; and he felt the strongest persuasion that those Roman Catholics who took this oath did so without any evasion, equivocation, or mental reservation whatsoever. Although he did not agree with the hon. Baronet opposite, that the Roman Catholic Members of that House had not a right freely to discuss questions relating to the temporalities of the Church, he yet conceived that they were bound in discussing questions relating to the Church, to remember the nature and solemnity of the oath which they had taken, and to abstain from doing anything the tendency of which would be to subvert the Church established by law; that was, to change the religion of the State, or destroy the union which subsisted between Church and State. The Protestant Establishment allowed those who dissented from it the freest and fullest exercise of their religious opinions; and, such being the case, those who entertained doubts or scruples with respect to this oath should state clearly and explicitly their objections to it, or the alterations which they would propose making in its form or substance, in order that the House might judge of the reasonableness of their desire, and see whether it would be prudent to effect any change in it. Those who imagined that its interpretation was either ambiguous or doubtful were bound to pursue this course. His hon. and learned friend on the bench behind him said, that he had objected to the abolition of the 40*s.* freeholders; but that he had advocated doing away with the oath. Now, although he (Mr. Stanley) supported Catholic Emancipation, he strenuously resisted the insertion of the clause in the Catholic Relief Bill which was directed against the hon. and learned member for Dublin. He had also objected to the disfranchisement of the 40*s.* freeholders, and approved of the plan for paying the Catholic clergy out of the public purse. But, in giving his support to these three important measures, he was actuated only by a desire to do an act of political justice, which, in his conscience, he believed would tend to the ultimate benefit of the State. He would not, he was free to confess, wish to make any sacrifice of his own conscience, and, therefore, he should not like to impose upon others the taking of an oath which they might deem inconsistent with their sense of duty, or repugnant to their consciences. He was far from arguing that all the oaths prescribed to be taken were necessary; but as this oath was part of a solemn compact that was entered into to allay the fears of those who opposed Catholic emancipation, in spite of the unruly oaths that were pressed upon them, he must say, that they would not be justified in abolishing it without they had very good grounds for adopting such a course. For his part he could not agree to any alteration of the oaths now taken, and therefore he could not give his assent to the proposition of the hon. and learned member for Dublin for appointing a Select Committee upon a subject which the House was fully competent to judge of without any such inquiry having taken place. He repeated that the proper course to be pursued was, for those who objected to the oaths to state as minutely as they pleased the grounds of their objections, and then the House would be able to decide whether they should be abolished or amended.

Mr. *Henry Lytton Bulwer* thought, that the arguments which the hon. and learned member for Dublin (Mr. O'Connell) had used, had not been fairly treated by the hon. Gentlemen who had spoken on the other side. It was, he might almost say, ridiculous to require persons to swear that, which, on all hands, was confessed to be either untrue or absurd. He should vote to have such oaths done away with.

Mr. *Sheil* said, it was not a little remarkable, that the oath was so framed, as to leave the party taking it, to put his own construction on it. There was, however, some difference of opinion on the subject; but he contended, that the party taking it alone could determine how far it was obligatory, and how far it was not binding upon him. The right hon. Secretary for the Colonies differed from the hon. Baronet, the member for Oxford, in thinking that the Roman Catholic Members of the Legislature had no right to interfere in questions relating to the temporalities of the Church; but, although this right was conceded to them by the right hon. Secretary, he forgot to say at what point they should stop, or the limits to which their interference might go. How were they to know when they were to pause, or when they were to go on?

Mr. Secretary *Stanley:* What he had stated was, that when any question relating to the temporalities of the Church was brought forward, the conduct of the Roman Catholic Gentlemen should be consistent with the oath they had taken to abjure all intention of subverting the Protestant Church as by law established.

Mr. *Sheil* had not doubted that the right hon. Gentleman had admitted the right to interfere; but what he complained of was, that the right hon. Secretary had omitted to state how far that interference might be carried.

Mr. Secretary *Stanley:* The words of the oath clearly fixed the interpretation that ought to be given to it. The party taking it, swore that he abjured all intention of subverting the Protestant Church as by law established.

Mr. *Sheil:* The view which the right hon. Secretary had taken of the terms of the oath was a very narrow one. He must complain of the interruptions which he had already experienced; and said, that the right hon. Secretary had acted, in the present instance, with a species of courtesy and urbanity, which not unfrequently distinguished him, and for which he (Mr. Sheil) supposed he was bound to say, he felt grateful and obliged. He denied, that there was any means of ascertaining which was the right or which was the wrong construction of the oath. There was a manifest distinction between the Protestant Religion or the Protestant Government and the temporalities annexed to the Established Church, and on this distinction it was, that Roman Catholics founded their right to interfere with the latter. It was not, however, from Roman Catholics that the right hon. Gentleman had most to apprehend for the safety of the Protestant Church. Without fear of contradiction, he could assert, that the Roman Catholics of Ireland had never expressed opinions so unfavourable to that Church, as those which were constantly expressed by Members of that House, and which were to be found in the numerous petitions that poured in from all quarters against it. Let not the right hon. Gentleman be haunted by the horrid fancies with respect to Popery, when he had before his eyes the avowed hostility which the Dissenters had declared against the Church established by law. The hostility of the Dissenters was much more alarming, as far as regarded the safety of the Church, than that to be apprehended from the Roman Catholics. It was only that morning that an hon. and learned Civilian presented a petition from a body of Dissenters, stating the junction of Church and State to be at variance with the true principles of Christianity. The Roman Catholics never, at any time, used such strong language in speaking of the Church.

Mr. *Methuen* said, that he had presented several petitions from bodies of Dissenters on the subject of the Established Church; but he denied, that any wish was expressed in them that the union between Church and State should be dissolved.

Mr. *Sheil* begged to say, that he did not speak of all Dissenters. A petition had, however, been presented that day from a body of Dissenters, the prayer of which was for a separation such as he had described.

Mr. *Methuen* said, that as no petition that he had presented contained such a prayer, the hon. and learned Gentleman's observations could not apply to the Dissenters from whom these petitions had come; and in their name, and on their behalf, he begged to disavow such sentiments.

Mr. *Cobbett* had always been as friendly as he possibly could to the Roman Catholics, and because he was so, he regretted to see this Motion brought forward. The hon. and learned member for the Tower Hamlets (Dr. Lushington) was mistaken, if he believed that the people of England were insensible or indifferent upon this subject. Let there be an inquiry as to altering the oaths taken by Roman Catholic Members, and his opinion was, that the people of this country would be agitated from one end of the island to the other. The learned Doctor seemed to have changed his opinion on the subject of Roman Catholic oaths; for last year, in the debate on the Address, he called upon Roman Catholic Members to remember the oath which they had taken with respect to the

Established Church. Referring to a previous speech in the debate, the learned Doctor said, that, "The hon. and learned Member, (for Dublin) used one expression which struck particularly on his ear—he spoke of destroying the Protestant Church in Ireland. What did the hon. Member mean by that expression. Did he intend to adhere to it?" Then, an explanation being offered by the hon. Member, to the effect that, "when he spoke of interference with the Church, he meant only with its temporalities;" the learned Doctor said, that, "The explanation of the hon. Member was not more satisfactory than his original declaration. However anxious hon. Members might be to correct irregularities, and purify the Church, and no Member was more anxious than he (Dr. Lushington) to effect those objects, yet he had thought that every Member in that House was bound, by a solemn obligation, to uphold the Established Church. He had hoped that the oath taken by the Catholic Members on entering that House, made a deep impression on their minds."* But now the learned Doctor would dispense with oaths altogether. He deprecated any Committee, or the adoption of any measure on the subject, because he knew that the consequence would be, to agitate the people. In allusion to the explanation of the hon. Member opposite, on the subject of the Dissenters, he thought that the hon. Member must know, that numerous petitions had come from the Dissenters for admission into the Universities. To his surprise, Ministers appeared ready to concede the point. He did not say, that he objected to it—but all men knew, that James 2nd lost his Crown for attempting to put a Roman Catholic into Oxford; and now it was rather curious to find Ministers prepared to acquiesce in a measure of a like nature with one which caused James 2nd to be expelled from this country.

Mr. *Cutlar Fergusson* referred to the measure of the right hon. member for Montgomeryshire, for doing away with the oaths taken before the Lord Steward, and expressed his objection to all unnecessary oaths, as tending to bring those obligations into contempt. He particularly objected to the Oath of Supremacy, and the Oath of Abjuration, which latter, Protestants were absurdly called upon to take, while Roman Catholics, to whom alone its provisions could apply, were absolved from it. If he could learn from the noble Lord (Althorp) that it was the intention of Ministers to take up this important question, he would decline to vote with the hon. and learned member for Dublin; but if he received no such intimation, he certainly would vote for a Committee. He strongly objected to the present multiplication of unnecessary oaths, and was quite ready to do away with all political oaths whatsoever, except the Oath of Allegiance.

Mr. *O'Dwyer* thought, that the conduct of the Roman Catholic Members of that House had justly entitled them to call for the abolition of this oath. He thought it expedient that the question should be set at rest. He was willing to concur in a declaratory resolution which should relieve Roman Catholic Members from the imputation (however courteously expressed) of forgetting the obligations imposed upon them by their oaths. He should, of course, vote for granting the Committee.

Mr. *Lambert* said, that it was preposterous for them to call on a man to swear that which their reason told them was absurd. Every oath should be clear and definite in its interpretation; but that was not the case in this instance. For his part he bore no ill-will to the Protestant Church, nor did he wish to see it subverted. On the contrary, so long as a State religion was necessary in the country he devoutly wished it to be Protestant. All he desired was, that the objectionable part of this oath should be erased from it, and he thought that if it were to run thus —"I do promise and swear to be faithful and bear true allegiance to his Majesty, and that I will uphold and support the constitution of the country as by law established"—it would not only be satisfactory, but answer all the purposes which could render an oath useful or desirable.

Mr. *Andrew Johnston* was glad that the question of the oath was likely to be set at rest. At present such was the dubious state in which Roman Catholics were placed, that they were taunted with a construction of the oath inconsistent with their principles, when they voted on certain questions. For instance, on the subject of Irish Church temporalities, or any other subject connected with the Established Church, they were placed in a disagreeable and painful situation. He hoped, if the question could not be settled now on account of an informality in the manner in which it was brought forward, that the hon. and learned Member would again bring it forward, before any of the questions to be mooted regarding the Church of England were brought before the House. Such were his feelings on this point, that if any motion such as that for the abolition of tithes, of which the hon. and learned Member had given notice, were brought forward before the question was settled, he would consider it his duty to move the previous question.

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* Hansard, (third series) xv. p. 426.

Mr. *O'Reilly* expressed his regret that this question was mooted by any Catholic Member of this House, and he must protest against the arguments used by the hon. Gentleman who had just sat down. For his own part he had felt no hardship in taking the oath, and regretted to hear that there was a possibility of the cry of "No Popery" being again raised. He trusted, however, to the liberal feeling of Englishmen, to counteract any insidious attempt of the kind.

Mr. *Philip Howard* thought the hon. and learned member for Dublin had exercised a very sound discretion in bringing the question before the House. When he compared the hon. and learned Member's definition of the obligations of the oath, with that of other Members professing the same religious faith, and when he saw good and honourable men of different religious principles, such as the hon. Baronet, the member for the University of Oxford, differing in their opinions as to the manner in which their consciences were bound by the oath, he found in those facts sufficient reason for believing that the sooner they were relieved from the oath the better. If the question had been put upon the ground of political expediency, he should have agreed with the right hon. Baronet, the member for Tamworth, that it had better not have been brought forward; but when it was declared to affect the sanctity of the obligations imposed by an oath, he thought it a ground which demanded their attention. Belonging to one of those families which for centuries had been debarred by a very few words in an oath from the honour of a seat in that House, he thought that the oaths taken in the House ought not to be left subject to any doubt as to their strict meaning and force.

Mr. *Leech*, knew that a very strong feeling existed on this subject in England, and in his opinion, the agitation of the question would be injurious both in England and in Ireland.

Mr. *O'Connell*, in reply, said, he could not think that the mooting of this question could possibly excite any warmth of feeling, or probably any feeling at all, out of that House. He was not the person to whom the hon. and learned Member replied on the occasion referred to by the hon. member for Oldham. In reference to the statement of the right hon. member for Tamworth, to the effect that he made a speech at the Bar of the House in 1829, claiming to sit, and offering to take the oaths which he now wished to get rid of, he replied, that he not only offered to take the oath, but had taken it; but that since taking it, a controversy had arisen as to its meaning, which gave him uneasiness, from which he wished to be relieved by a distinct definition of the intent and meaning of the oath in one way or the other. The hon. Baronet, the member for the University of Oxford, had indulged in some self-gratulation at the alleged fulfilment of some prophecy of his as to the admission of Catholics into the House, and had candidly lamented that he saw him (Mr. O'Connell) there. He would not return the compliment; for as long as any question involving the principles of religious liberty, or any liberal and enlightened policy remained to be discussed, he desired no other adversary than the hon. Baronet. The hon. Baronet had thought it necessary to revive the whole question of the Coronation Oath, and the result of his argument upon it went to this, that the King had committed perjury. Now he was willing to be put in the same category of perjurers with his present Majesty and his deceased brother, and, if they had been guilty of perjury, certainly he had also. Neither had been guilty, or both. The speech of the right hon. Secretary, had treated the House to a speech the first part of which was eminently Conservative, and the last as highly theological. He had given them, however, a pretty good specimen of the necessity of some change in these matters by stating that he had witnessed the commission of perjury by eleven Roman Catholics; but according to his own account he, as a Magistrate, must have participated in the perjury by administering the oath.

Mr. Secretary *Stanley* begged to explain, that he had done no such thing as what the hon. and learned Gentleman was attributing to him. In the case to which he had alluded, when the oath was to be administered, the book was put into the hands of all the party at once, when one of them pronounced the words, "I, John Smith, of No. 11, Church-street, &c." According to the oath so taken, there would have been twelve John Smiths, of No. 11, Church-street. Of course he, in administering the oath, did not pursue the course which the hon. and learned Gentleman had stated that he did, but immediately stopped the proceeding, and caused the oath to be properly administered.

Mr. *O'Connell* said, it appeared, then, that there was no oath taken, and therefore no perjury in the case at all. The right hon. Gentleman, however, had admitted that a part of an Act of Parliament had been levelled at him (Mr. O'Connell) and he wished the right hon. Gentleman and the Government had not gone further, and that he had not also had a paragraph of a King's Speech levelled at him. He contended, however, that under this clause of the Act, all the Roman Catholics were made to swear was, that they would not subvert the Established Church. They did not swear to continue it. They did not swear to maintain tithes and oblations. Surely religion was not a thing of pounds, shillings, and pence, and it was the established religion which they were not to subvert. There were two churches in Ireland, one established by law, the other by the people. Would the Protestant be less an Established Church if deprived of its temporalities? Having the provisions of his oath before him, he would not have voted on the question whether there should be ten or twenty bishops—he would not have voted to abolish the order of bishops, or to alter the thirty-nine articles; but the Church Temporalities involved a different question. With regard, however, to temporal property given to them by an Act of Parliament, he felt himself as much at liberty to deal as any other Member of the Legislature. The noble Lord opposite had assumed that the appointment of a Committee upon this subject, might be open to objection in point of form, and therefore he (Mr. O'Connell) could not think that with propriety he could divide the House, though he begged it to be understood, that he by no means abandoned the question. It was a subject which must be set at rest, and was not, as had been urged, a question of contract or compact, for none had been entered into; but, on the contrary, the right in this respect had ever been insisted upon. Though there had been three constructions put upon the oaths now prescribed to be taken, there was only one of them in which he could concur. He should persevere in bringing the subject before the House, with a view to ascertain whether the present oaths, religious oaths, taken in the House ought to be continued; and next, if they were, whether such a declaration could not be framed for the Protestant as well as Catholic, as would remove the existing feeling that hon. Members were required to swear to an absurdity. Under these circumstances he would beg leave to withdraw his Motion, and give notice that in Committee on the Bill of the hon. member for Lancashire, he should move a clause for removing all test oaths in that House as well as in other places. If he failed in that he should move a distinct resolution upon the subject.

The Motion was withdrawn.

OBSERVANCE OF THE SABBATH.] Sir *Andrew Agnew* then rose to move, pursuant to notice, for leave to bring in a Bill to promote the better observance of the Lord's day. As the subject was not new to the House, he should not feel it necessary to enter into any detail of the measure he sought to introduce. He regretted that after so many petitions had been presented last year, when the feeling of the country had been so unequivocally expressed, it should have devolved upon so humble an individual as himself to bring forward so important a subject. It would be almost presumption in him to dictate all that was necessary to be introduced in such a legislative provision, and he should submit a Bill containing such regulations as to him appeared desirable to the House, and then call at a subsequent stage upon the united wisdom of the House to devise the best means of successfully carrying into effect an object so much desired by so numerous a body of petitioners as had addressed the House upon the subject. He had thought it his duty so to arrange the clauses of the Bill, that hon. Members could by their votes in Committee upon it exclude such as they might deem fit, without material deterioration to the general effects to be anticipated from the measure. Without further entering more particularly into the details of the Bill he sought to introduce, he should be happy to hear any suggestions that might occur to hon. Members, but should reserve any further observations until some expression of sentiment on the subject should be afforded to the House. The hon. Baronet concluded by moving for leave to bring in the Bill.

Mr. *John P. B. Chichester* seconded the Motion, but he would not pledge himself to the support of the Bill, if its provisions were at all similar to those of the Bill introduced by the hon. Baronet last year, though, in promoting a measure for the better observance of the Sabbath, he was acting in accordance with the wishes of all his constituents.

Mr. *Potter* hoped, that the hon. Baronet, the member for Wigton, in asking for leave to bring in a Bill upon this subject, did not wish the House to suppose that his present measure was anything like that which had been introduced last year. On a former occasion, the hon. Baronet had made no declaration to the House as to the provisions of the Bill, neither had he, in the present instance; and, therefore, he (Mr. Potter) had a right to assume, that no security was afforded that a similar measure would not be again brought forward. He held in his hand the Bill which had last year been submitted to the Legislature by the hon. Baronet, the very first clause of which would, by closing bakers' shops, lead, in a great many districts, to a still greater desecration of the Sabbath than at present. The former Bill also went to forbid buying or selling any commodity on a Sunday; now, he (Mr. Potter) was prepared to contend, that such traffic could not entirely be put down. At the time the Bill introduced last Session by the hon. Baronet was under discussion, he had made a point of visiting, on Sunday mornings, various parts of the City, and had ascertained that it was utterly impossible for many respectable classes otherwise to purchase the meat necessary for the consumption of themselves and their families, if they would have their food fit for that day's use. In some instances, he had followed the poor purchasers to their rooms, and he was the more satisfied that, if any meat was exposed from one day to the next to such a tainted atmosphere as pervaded many of the apartments he had visited, it would be wholly unfit for use on the following morning. The Bill then went on to declare as nuisances public lecturing, debating, or news-rooms; and next, that no vehicle should commence a journey on Sunday. These were all interferences with the rational amusements of the people, and the latter proviso would prevent the closely-confined and industrious shopkeeper of this and other cities from the enjoyment of the fresh airs of Greenwich, Richmond, Windsor, and other similar vicinities. By such an interference, the public health would suffer, and serious consequences would inevitably follow. He deplored the interference with the innocent recreations of the people five or six years ago, by putting down several of the fairs in the Metropolitan districts, and he was of opinion, that a Bill, such as had been proposed by the hon. Baronet last year, so far from promoting the advancement and best interests of religion, would be productive of a contrary effect; and he should, by his negative on the present occasion, oppose the introduction again of such a Bill into the House.

Lord *Morpeth* hoped the hon. Baronet, the member for Wigton, would, in the event of the House acceding to his Motion, evince more pliability of materials, and a more distinct regard to his prospects of success, than had been exhibited in the Bill brought forward during the last Session of Parliament. He (Lord Morpeth) only acted in accordance with his own feelings, and those of a great body of his constituents, when, by his vote, he afforded the hon. Baronet an opportunity of introducing a Bill which should give to the labourer of this country that relaxation which God and man intended for him. To this point he limited his support of the Motion until he was made fully acquainted with the provisions of the measure.

Colonel *Wood* said, there were several objectionable details in the hon. Baronet's Bill of last year; but, at the same time, he must say, that it was the general wish of the middling and upper classes of society that some legislative measure should be adopted by the House to ensure the better observance of the Sabbath. He was aware it was a difficult thing to legislate on such a subject. His own impression was, that a great deal more might be done by example on the part of the hon. Members of that House, than by any Act of Parliament they could pass on the subject. He would, however, vote for the introduction of the Bill; and if the House were pleased to allow it to be read a first and second time, he thought the best course for the hon. Baronet would be to refer it to a Committee up-stairs, when they would be able to ascertain how the Sabbath was spent, and what parts of the Bill might admit of beneficial alteration. He would be the last man in that House to interfere unnecessarily with the amusements of the people—they needed amusements and recreations—but, at the same time, it was necessary to prevent the profanation of the Sabbath.

Sir *Robert Inglis* could not but think, that though the hon. Baronet, the member for Wigton, had stated that the Bill he now sought to introduce was very much the same as that brought forward last Session; it was not regular for the hon. member for Wigan to prejudice the House against the measure by entering into a discussion of the details of the Bill already disposed of. With regard to the statement urged by the hon. member for Wigan as to Sunday baking, he must remind the hon. Member, that upwards of 7,000 journeymen bakers of the city of London had, by their petition, sought the protection of the House from Sunday trading. That protection they had a right to claim; but, as to the other points embraced by the proposed Bill—namely, the innocent recreations and amusements of the people—he thought, with the hon. and gallant Member opposite (Colonel Wood), that more could be done by example than legislation. If the proposed Bill were, in substance, anything like that introduced last year, it would only give force to enactments now in existence, though practically inoperative; but when he remembered, that the number of petitioners praying for some legislation upon this subject amounted to not less than 277,000, he should give his support to the present Motion.

Mr. *Littleton,* without wishing to be understood as approving of the details of the Bill, would vote for its admission, as he conceived the law, as it at present existed for the observance of the Sabbath, required alteration. He admitted, that the example of hon. Members and others would, in such a case, have greater force than legislation. One of the greatest instances of Sabbath profanation was the markets held in so many places on the morning of that day. What, he would ask hon. Members, was the cause of those Sabbath morning markets? It arose from the circumstance of the masters of working people paying them their wages at so late an hour on the Saturday night as to render it impossible for them to purchase the articles they required until the following morning. He thought something ought to be done to get this arrangement altered. It appeared to him that another day than Saturday ought to be appointed for masters paying their workmen their wages. In several large towns in the country, masters had come to an understanding among themselves, to depart from the practice of paying their workmen on Saturdays, and the change had been attended with the best effects. He thought it his duty to say thus much, as it was only by such means as he had referred to, that relief could be afforded.

Colonel *Evans* would support the present Motion, though, if the Bill, when introduced, should be found at all like that of last Session, it would meet with his most decided opposition. He concurred in the sentiment, that wages should be paid earlier in the week than Saturday, and he would suggest the propriety of some provision being introduced into the Bill against those payments being made in public-houses.

Mr. *Lennard* said, that in most of the agricultural districts, the farmer had to depend upon the produce of the sale of his goods in the Saturday markets for the payment of the wages of his labourers; so that any alteration in this respect would be so far disadvantageous. There were many practical points to which the hon. Baronet who had brought forward the present Motion might turn his attention; but, if he attempted to bring in a Bill at all like that of last year, he was satisfied that it could not, by any possibility, be carried.

Mr. *Warburton* said, that, since the hon. Baronet had not thought fit to give any explanation of the provisions of the Bill he now asked the permission of the House to bring in, the hon. member for Wigan was, perhaps, justified in dealing as he had done with the Bill of last year. He, however, hoped the hon. member for Wigan would not divide the House at the present stage, but would allow the hon. Baronet to try his hand a second time. For one, he (Mr. Warburton) should not oppose him.

Mr. *Robinson* had no objection to the introduction of the Bill, which, if it could be shown to be at all calculated to advance the interests of religion, should have his support. He should, however, watch closely that its provisions were impartial in their application to all classes of the community, and that they did not interfere with the innocent enjoyments of the labouring portion of his Majesty's subjects.

Mr. *Roebuck* could not think there existed any necessity for legislation on this subject, when it could not be denied that the observance of the Sabbath was now much more decorous than at any former period. If they were now to legislate on this subject, he would ask the hon. Baronet to take care how he applied his legislation. Let the hon. Baronet take care to legislate impartially—to commence with the pastimes of the rich, and not with those of the poor man. Let him not stop the stage coach, which was the poor man's vehicle, and pass the travelling carriage of the rich man—let him, instead of stopping the omnibus, interfere with the chariot; rather than stop the steam-boats, let him lay an embargo on the pleasure-yacht, and stop the private parties of the wealthy; and instead of preventing the labourer enjoying the recreation of the open fields in the vicinity of the metropolis, let him stop up Hyde-park. If the Bill were impartial, and meant any thing, it meant this. The 500 half-choked citizens, who embarked upon a steam-boat in the river Thames, were not guilty, by 10,000 degrees, of so great a desecration of the Sabbath, as he (Mr. Roebuck) had witnessed in one day in Hyde-park. He hoped the Bill would enforce strict regulations with reference to the rich, and, if so, it should have his support.

Mr. *Richards* said, the numerous petitions which had been presented during the last and present Session, manifested a strong feeling in the public mind in favour of some legislation on this subject, and the Motion should, therefore, have his support.

Mr. *Aglionby* said, that, from all he had yet heard, there was no difference between the Bill of last year and that which was now sought to be introduced. He thought that, as the question had been disposed of last Session, it was too much again to ask the House to deliberate upon the same measure upon which the hon. Baronet had already failed. The House was, at least, entitled to have been informed of some of the details of the proposed measure, before it should consent to the Motion for leave to bring in the Bill.

Mr. *Hardy* reminded the hon. Member who had just sat down, that the second reading of the Bill of last Session was only lost by a majority of six, in a House consisting of 160 Members, and that, too, at a late hour of the night, and an advanced period of the Session. That circumstance was alone amply sufficient to justify the hon. Baronet in persevering with the Bill, which he (Mr. Hardy) hoped would secure full protection to the journeymen bakers of London and every other class of artizans in the country. He should give his support to the Motion.

Mr. *Pease* was the last man who could ever be induced to think that a country could be made religious by an Act of Parliament; but he had received such communications from almost every town in the county with which he was connected on this subject, that he should consider it his duty to give his best assistance towards getting the proposed Bill into Committee, where he should hope to get rid of those imperfections which the Bill of last year (and he was bound to believe the present Bill) contained, and to lead by such amendments as might appear desirable to the promotion of good order, morality, and religion, in this country. But he thought, that his hon. friend was not bound to show that this particular Bill would produce all the results hoped for. He should vote for the introduction of the Bill, reserving to himself the liberty of proposing any alterations he might think necessary when it was in Committee.

Mr. *Hudson* said, the hon. Baronet opposite was called on to state whether the Bill which he had then brought before the House was the same as, or different from, that of last Session; and it was contended that he was bound to show that before the House could accede to his Motion. But the hon. Baronet was not called on to enter at large into the nature and provisions of the Bill in that stage. The real question before the House was, whether it was desirable at all to bring in a Bill for the Better Observance of the Sabbath. He thought it was. He would venture to say, that no Member would vote against the introduction of such a Bill, if he was not prepared to show that it was unnecessary. He would vote for bringing in the Bill, but would reserve to himself the privilege of voting against any of its provisions that he considered objectionable.

Mr. *Fowell Buxton* hoped that the hon. Gentleman opposite was not serious in his opposition to the introduction of this Bill. There was a strong and general feeling abroad, that some improvement in the observance of the Sabbath was necessary, and if the public voice were to be regarded, the House would show, that they thought there was some room for improvement, and some necessity for legislation. In the metropolis, there were some abuses which ought to be put down, and some attention ought to be paid to the prayers of the large and respectable portion of their constituents who had addressed the House in favour of some such measure. Hon. Members had said,—and, in this particular, he fully concurred with them,—that they would set their faces against any partial legislation on this subject. But no partiality in favour of the rich against the poor was, he was sure, intended by the provisions of this Bill; and if there were any class of persons interested in the Bill, the poorer orders were the individuals, for some such enactment was peculiarly and emphatically necessary for the labouring population.

Leave was given, and the Bill was brought in; as was also a Bill to amend and explain the Act relative to the Observance of the Sabbath-day in Scotland.

FAIRS AND MARKETS.] Sir *Andrew Agnew* moved for leave to bring in a Bill to enable Local Authorities to change Saturday and Monday Fairs and Markets to other days.

Mr. *Philip Howard* opposed the Motion. He was decidedly opposed to granting local authorities such an extent of arbitrary power as would be allowed them under the proposed Bill. To give them the power of changing the fairs and markets of the whole country was giving them a power which they should not possess, and which, if exercised, would spread alarm, discontent, and mischief, through the entire country. In fact, it would interfere with the mercantile transactions of society, and disturb all the commercial and agricultural relations of the kingdom. If it were designed to cure one evil, it would produce many. He could not conceive how that multiplication of Bills could tend to a better observance of the Sabbath.

Mr. *O'Connell* concurred with the hon. Member who had just spoke, and must really suggest to the hon. Baronet that he was rather premature in thus bringing on his third Bill before he had made sure of the two first, or the first. The House had merely given him leave to introduce the Bills; they said nothing about allowing them to pass. The hon. Baronet, while he was about it, seemed determined to cut the working part of the week short enough, or rather too short; for no sooner had the House allowed him so far to have his way about his Sunday Bill, than he set to work upon Saturdays and Mondays. This was rather too much.

Sir *Matthew White Ridley* observed, that if there was any Bill which contained little or nothing objectionable, it was this. It merely gave a power to Magistrates to change the days on which a fair or market might be held, and he saw no mischief that could ensue from depositing this power in their hands.

Mr. *Mark Philips* said, that great inconvenience would ensue from such a Bill. The town which he had the honour to represent, had its market-day on a Saturday, and one of the great Smithfield market days was held on a Monday. He presumed it was intended by the hon. Baronet to close the manufactories at an early hour on the Saturday in order to allow the artizans to go to market early on the Saturday afternoon, but he thought this object hardly attainable.

Lord *Morpeth* said, that as an opposition had been offered to this pacific measure, he felt it his duty to remind the House that he had formerly presented a petition from a large number of the graziers of Skipton, whose prayer was in accordance with the spirit of the Bill proposed to be introduced. He thought that this fact showed that no practical inconvenience would ensue on the enactment of the proposed measure.

Mr. *Gisborne*'s objection to this Bill lay against investing Magistrates with so much power. As for the measure itself, it was so exceedingly preposterous, that he should not waste any observations upon it. In almost all county towns the market was held on the Saturday. He hoped the House would not entertain the Motion.

Sir *John Wrottesley* maintained, that the effect of the measure sought to be introduced by the hon. Baronet, would be to displace all the subsisting arrangements which related to the times of holding fairs and markets. In the country many small towns depended on their market in a great degree; and if the market-day of any large town, Birmingham for instance, were to be changed from Saturday to some other day in the week, the consequence would be the ruin of the smaller towns in its neighbourhood, whose market-day would thus be fixed for the same day on which Birmingham market was held. As far as his own observation had extended, he thought that a great improvement was visible of late years in the general observance of the Sabbath. But if, in order more effectually to guard against the profanation of it, Saturday and Monday were to be taken out of the list of market-days, all existing arrangements would be completely deranged, and the greatest confusion created.

Sir *Robert Peel* said, that if leave were given to bring in the Bill, that would not pledge the House to the provisions of it more than the House was pledged to the provisions of the former Bill. It was better to let all the Bills be brought in, that the House might see the whole plan. The present Bill might be considered one of the wings of the previous Bill. He (Sir R. Peel) by voting for the Motion was not pledged to the provisions of the Bill; but if they rejected the present Bill, it would imply *ipso facto* that they admitted the principle of the other Bills.

The House divided—Ayes 137; Noes 181: Majority 44.

List of the AYES.

Astley, Sir Jacob
Attwood, M.
Baines, E.
Bewes, T.
Bell, M.
Blackstone, W. S.
Bentinck, Lord G.
Blandford, Marq. of
Blaney, Hon. C.
Brocklehurst, J.
Browne, J.
Buxton, T. F.
Buckingham, J. S.
Burton, H.
Burdett, Sir F.
Bruce, C. C. L.
Buller, E.
Campbell, Sir H.
Calvert, N.
Chichester, J. P. B.
Cavendish, Lord
Chapman, A.
Christmas, W.
Corry, Hon. H.
Conolly, Colonel
Clive, Hon. R.
Curteis, H. B.
Curteis, G. B.
Dalmeny, Lord
Dugdale, W. S.
Duncannon, Viscount
Dundas, Captain
Dunlop, Captain
Eastnor, Viscount
Ebrington, Viscount
Evans, W.
Ewing, J.
Fancourt, Major
Fenton, J.
Fergusson, R. C.
Fielden, W.
Foley, T. H.
Folkes, Sir W.
Forster, C. S.
Fremantle, Sir T.
Gaskell, D.
Gaskell, J. M.
Gladstone, W. E.
Grosvenor, Earl
Grosvenor, Lord R.
Glynne, Sir S.
Grant, Rt. Hon. C.
Grey, Sir G.
Goulburn, Rt. Hon. H.
Graham, Rt. Hn. Sir J.
Handley, B.
Halse, J.
Halcombe, J.
Heathcote, G. J.
Hardy, J.
Hughes, W. H.
Halford, H.
Hoskins, K.
Handley, W. F.
Hardinge, Sir H.
Ingilby, Sir W.
Johnstone, Sir J. V.
Johnston, A.
Inglis, Sir R.
Kerrison, Sir E.
Keppel, Hon. G.
Lambton, H.
Langdale, Hon. C.
Lincoln, Earl of
Lister, E. C.
Lemon, Sir C.
Lennox, Lord A.
Littleton, Rt. Hn. E. J.
Madox, J.
Maxwell, J.
Morpeth, Viscount
Marryat, J.
Miles, W.
Marsland, T.
Meynell, Captain
Neeld, J.
Neale, Sir H.
North, F.
Oliphant, J.
Patten, J. W.
Paget, F.
Pease, Joseph
Pinney, W.
Peel, Rt. Hn. Sir R.
Penleaze, J.
Peter, W.
Pigot, R.
Poulter, J.
Pringle, R.
Rice, Rt. Hon. T. S.
Richards, J.
Ridley, Sir M. W.
Ross, C.
Russell, Lord J.
Scott, Sir E. D.
Shaw, F.
Smith, Hon. R.
Sheppard, T.
Simeon, Sir R.
Smith, R. V.
Stanley, E.
Stanley, Rt. Hon. E.
Steuart, R.
Stewart, E.
Stewart, Sir M. S.
Stewart, J.
Somerset, Lord G.
Talbot, C. R. M.
Tooke, W.
Tower, C. R.
Trevor, Hon. G. R.
Todd, R.
Tyrell, Sir J.
Vernon, Hon. G. S.
Verney, Sir H.
Walter, J.
Waterpark, Lord
Watkins, J. L.
Whitmore, T. C.
Williams, W. A.
Wilks, J.
Wilbraham, G.
Willoughby, Sir H.
Winnington, Sir T.
Whalley, Sir S.
Wood, Colonel

TELLERS.

Agnew, Sir A.
Hodgson, J.

DOWN AND RAPHOE.] Mr. *Goulburn* said, that the subject which he was anxious to bring under the consideration of the House, was one upon which it would not be necessary for him to detain them for many minutes; and if they would give him their attention, he was sure no objection would be made to the adoption of his proposition. His object was, to propose an Address to the Crown, praying his Majesty to give effect to the recommendation of the Ecclesiastical Commissioners (Ireland), with respect to the deanery of Down and Raphoe, whose Report had been before the House now for the space of nearly three years. The present subject was one upon which he felt a good deal of anxiety, but upon which he should, nevertheless, not have troubled the House if he did not feel it to be a duty which he owed as well to his own character as to the Church of Ireland. The subject, he could assure the House, was one of very great importance. It involved no less than the giving of incumbents to eleven different parishes; of providing the Protestant residents of these parishes with clergymen to discharge the sacred duties of the ministry. Any Gentleman who sat in the last Parliament must be aware that the general union of parishes in Ireland was a constant subject of regret and of complaint; of regret to those who had at heart the well-being of the Church of Ireland; and of complaint from those who gladly seized upon every topic which was likely to damage the character of that Church in the eyes of the Parliament or of the people. For some years past those who took an interest in the well-being of the Church, were anxious to bring in some effectual measure for the reduction of the number of unions in Ireland; and for his own part when he had the honour of holding office under the present viceroy of that country, he felt it his duty to introduce measures for the dissolution of particular Unions, and he would take that opportunity of stating, that no man could be more anxiously disposed for the accomplishment of such measures than was Lord Wellesley. However, it so happened that when the Duke of Wellington was First Lord of the Treasury, it was deemed proper by Government, in order that no further delay might take place, to institute a general inquiry into the whole subject, rather than proceed with the correction of isolated cases. A Commission was accordingly appointed, composed of prelates, legal officers, and laymen. The Commission was appointed some time in 1830, and having applied themselves diligently to the subject which they were appointed to investigate, they made their Report in the early part of 1831, and in July it was submitted to Parliament. In the Report of that Commission the evils of Unions of parishes were fully recognised, and a mode of remedying those evils was also suggested. One of the principal Unions adverted to, was the deanery of Down, which was composed of six other parishes. The value of this Union was 3,000*l.* a-year, and this amount was made up by the abstraction of the tithes of five other parishes. The recommendation in the Report of the Commissioners was to give up to the several incumbents of each parish the amount of its revenue, leaving, by this arrangement, the deanery worth 1,000*l.* a-year. That Report had attached to it the signatures of the Lord Chancellor, the Primate, two Bishops, Dr. Radcliffe, and the Master of the Rolls. When he (Mr. Goulburn) reflected upon the state of the clergymen in the Union, the curates who discharged the several duties receiving no more than about 70*l.* a-year, he did, he confessed, indulge the confident hope that the recommendation of the Commissioners would be attended to. In this hope he was strengthened when he found that the son of one of the Commissioners was appointed to the vacant deanery; for he could not suppose, that the appointment would have been either made or accepted, unless upon the express condition that the recommendation of the Commissioners was to be carried into effect. And, indeed, that conviction remained firm upon his mind until the year 1832, when he heard that no such agreement had been even implied upon the appointment of the new dean. Upon having been accidentally informed of this, he put a question to the right hon. Gentleman on the other side, who replied that he had not been able to devote sufficient attention to the matter to give him the information he desired; but he, at the same time, assured him, that effect should be given to the recommendation of the Commissioners. There, then, the matter rested at that time. At the opening of the ensuing Session he found himself again obliged to put a question to the Government on the subject, and he was informed that in the Temporalities Bill an express provision would be introduced to give effect to the recommendation of the Commissioners. He, however, could not help expressing his disappointment at not finding in the Bill any such provision. However, in a subsequent Bill, which passed in July of last year, the provision was certainly introduced. He should have expected that a recommendation now before the House for three years, would have been at once adopted; however, nine months had been allowed to elapse, and nothing had been as yet done. He, therefore, felt it to be his duty to call upon the House to agree to an Address, humbly praying that his Majesty would be graciously pleased to give effect to the recommendation of the Commissioners. He wished to avoid any topics that could by possibility involve personal considerations, and he should, therefore, not more particularly allude to this appointment to the deanery of Down. With respect to the deanery of Raphoe, not much inconvenience had as yet arisen; but to avoid that, the recommendation of the Commissioners ought at once to be adopted. There were in the deanery of Down five curates; there was also a very considerable town, with a rapidly increasing population, and every hour which the subject was delayed was a great injury to the Protestant parishioners—in fact, he should say to the whole Church Establishment, and to all the Protestants of the empire. The arrangement ought to be carried into effect immediately. If it were even possible that the appointment was made without a stipulation that the recommendation of the Commissioners should be carried into effect, surely if the Government had a communication with the dean, no opposition would be offered upon his part. At all events, he felt it due to the Church of Ireland to move that an humble Address be presented to his Majesty, humbly praying his Majesty to give effect to the recommendation of the Commissioners of Ecclesiastical Inquiry, respecting the deaneries of Down and Raphoe, expressed in the Report of 13th July, 1831.

Mr. Secretary *Stanley:* The right hon. Gentleman, in the course of the Address that he has made to the House, has so pointedly alluded to me, that I trust my right hon. friend, the Secretary for Ireland, will excuse me if I rise before him to state, in a few words, the reasons upon which I feel myself compelled—though I agree in a great measure with the right hon. Gentleman in the observations that he has made—to object to the Address which he now moves. I do not at all impugn the correctness of the statement which the right hon. Gentleman has made with respect to the Commissioners of Ecclesiastical Inquiry, whose recommendation I, for one, am very far from undervaluing. I do not deny that the Commissioners, having prosecuted their inquiries in that part of the country, recommended the extinction of the deaneries of Down and Raphoe; but I was not aware of that fact at the time that the preferment was given to the present dean of Down. The deanery of Raphoe, however, fell vacant at a subsequent period, and it was given to the present incumbent upon the distinct understanding that he was not to consider himself as having any vested right or interest in it in case any alteration should be proposed in Parliament. I think the right hon. Gentleman should have added, in justice to the dean of Down, that upon being informed of the recommendation of the Commissioners, which had been overlooked at the time of his appointment, he distinctly stated his determination not to stand in the way of any alteration that Parliament might think fit to make with respect to the deanery. The right hon. Gentleman has also admitted one fact which ought not to be lost sight of, namely, that at the time that both these deaneries fell vacant there was no legal mode of effecting the object which the Commissioners and the right hon. Gentleman had in view, because the presentation to the several perpetual curacies was in the chapter of the deaneries of Down and Raphoe, and that, therefore, the dissolution could not be effected without some previous arrangement upon that point. In the Church Temporalities Bill of last year, a clause was introduced to remedy that ecclesiastical difficulty, and in future to provide for the appointment to those livings; and when the right hon. Gentleman complains that under that Bill no step has as yet been taken to dissolve the Unions, of which he very justly complains, he should remember that that Bill has very materially altered the value of a great many livings, and I am also informed has very considerably altered the views of the Ecclesiastical Commissioners themselves. But I would not have the House suppose, that there is no measure in contemplation upon the subject—on the contrary, I beg to assure the House that the steps necessary for carrying into effect the separation of the Unions in the case of the two deaneries of Down and Raphoe, are now, and have for some time been, under the consideration of the Privy Council of Ireland, whose consent to the proposed change will be necessary before it can be carried into effect. But the Ecclesiastical Commissioners have stated, that the Church Temporalities Bill of last year has made so great a difference in the incomes of some of the Unions, as to render it absolutely necessary for them, previous to any of these recommendations being acted upon, to reconsider each individual case, and to Report to what an extent the amount of the income has been changed. I saw a statement the other day, whether correct or incorrect I will not pretend to say, because I have not the means of judging, but by which it appears that whereby the dean of Down surrendered a living of upwards of 1,000*l.* a-year for the deanery of Down, which is worth 2,800*l.* a-year; if the recommendations of the Ecclesiastical Commissioners were to be strictly carried into effect without further inquiry, the value of the deanery would not exceed 350*l.* a-year. I am sure the House would not wish to deal so hardly and unjustly by any person. The right hon. Gentleman could not, I am sure, be aware that the Ecclesiastical Commissioners themselves have been the parties who, under the altered circumstances in which the Church Temporalities Bill of last year has placed a great portion of the livings in Ireland, have denied that we should not proceed according to those persons' recommendation, and that the opinion of the Privy Council of Ireland should first be taken. The question at present is before the Privy Council, and I assure the right hon. Gentleman that it is as much the wish of the Government of Ireland, as it is my own wish, and as it can be the wish of the right hon. Gentleman himself, that those deaneries should be so divided as to leave an adequate compensation for the persons who are in possession of the different benefices. I agree with the right hon. Gentleman, therefore, as to the importance of following up the views of the Commissioners, as far as they can be followed up, under the altered circumstances of the Church in Ireland, and I am prepared to go one step further, and to state that, if at the end of this Session of Parliament no measure should be put into operation for the purpose of dividing those deaneries, I shall, with great pleasure, join with the right hon. Gentleman in addressing the Crown upon the subject. But, at the present moment, as the matter is under the consideration of the Privy Council, and as the very persons who formerly proposed the immediate dissolution of the Unions of parishes, now recommend delay, I think it is only fair that it should now be left to the Privy Council to effect, with as much despatch as is consistent with a due consideration of the changes that have been made, those objects which the right hon. Gentleman and the Ecclesiastical Commissioners have in view. After this declaration I hope the right hon. Gentleman will consent to withdraw his Motion for the present, with the full assurance that the views of the Commissioners will not be lost sight of by the Government.

Mr. *Ruthven* was not surprised at the ignorance shown by the right hon. Gentleman opposite (Mr. Stanley) knowing, as he did, the polluted sources from which that right hon. Gentleman derived his information. Every one who knows any thing about the county Down, knows very well the deanery is worth above 3,000*l.* a-year; the appointment was one of the grossest jobs ever managed by any man; and the whole circumstances were well worthy of an Irish patriot. In order to show that the system was still continued, he would mention to the House, that, the other day, one of the Commissioners appointed to value the deanery, in order to place it under the Composition Act, was the under-agent to the dean, appointed by the Irish Government, and, no doubt, at the instance of the Chancellor himself, whose patriotic feeling told him, the man who collected the tithes for his son was the most likely person to value them properly.

Colonel *Conolly* knew it was desired by all parties that an arrangement should be made, and he himself could not understand why it had not been carried into effect sooner. The very incumbents of those deaneries, knowing that the law was hanging over their heads, were anxious for a settlement, and so, he repeated, were all parties. The present state of things conduced very much to their own inconvenience, and to the discredit of the Church. He differed from the right hon. Secretary as to the patronage of the livings attached to the deanery of Raphoe. The incumbent of one of those parishes is of a very advanced age, and the routine of appointing to the benefice, in all probability, will very soon take place. The right hon. Secretary stated, that the right of presentation rested with the chapter. He believed it rested with the dean. This, then, was a point upon which very considerable inconvenience might arise, unless some arrangement were speedily made Therefore, as far as his humble voice could prevail with the Government, he would urge them to the immediate fulfilment of the recommendation of the Irish Ecclesiastical Commissioners, and to allow the incumbents of the several parishes to come into possession of the tithe with as little delay as possible.

Mr. *Littleton* said, as most of the circumstances to which this Motion related took place prior to his coming into office, he was requested by his right hon. friend, the Secretary for the Colonies, to give way to him, and to allow him to reply to the observations that were made by the right hon. Gentleman opposite in submitting his Motion. In point of fact, he had nothing whatever to offer in explanation of what had passed, except with respect to that which had occurred since the passing of the Church Temporalities' Bill. As soon as the Commission was appointed under that Bill, they entered upon the parishes connected with the deanery of Down, to make a return of their incomes. Some obstacles had stood in the way of obtaining these returns; but they were now made, and were last week brought before the Lord-lieutenant and the Privy Council of Ireland. With respect to Raphoe, the right hon. Gentleman had himself admitted, that there were circumstances which admitted of delay. In that case all the parties had been called upon to make a return of their incomes, and the whole of these returns had been made, except in one instance; and when that was made, the whole would be brought under the consideration of the Council. Under these circumstances he must join with his right hon. colleague, in hoping that the right hon. Gentleman would not press his Motion.

Sir *Robert Peel:* If I know anything of the right hon. Secretary for the Colonies—if I have formed a correct estimate of his character, and of the motives and feelings by which his public conduct is influenced—I have no hesitation in saying, that had he been aware of the recommendation of the Commissioners respecting the deanery of Down, he would sooner have cut off his right hand than have signed the appointment of the son of the Lord Chancellor of Ireland to that deanery. I believe it to be impossible, that Gentlemen filling high official situations should not occasionally be betrayed into inadvertencies in the filling up of appointments; and the more assiduously they attend to public business, the more likely are they to act inadvertently upon particular occasions in the disposal of their patronage. If Gentlemen were to be arraigned for this as a crime, there would be an end of all safety for men in office. Well, then, this appointment to the deanery of Down has been made—that act is irrevocable—but the appointment ought to be revoked, in order to give due authority to the Crown, and confidence to the Commission you have appointed for the purpose of effecting many great objects connected with the Established Church in Ireland. I will enumerate certain facts which will convince the House, that this appointment ought to be revoked. I have most implicit confidence in what the right hon. Secretary for Ireland has stated. I hope my right hon. friend will not press his Motion to a division. If he do, however, I shall certainly feel myself called upon to vote with him. But when I have stated a few facts, I am sure the right hon. Secretary will feel, that in order to support the confidence of the Commissioners, and indeed of the country, some other step should be taken which would render it imperative upon the Lord-lieutenant of Ireland to dissolve these unions without loss of time. There has long been a general expression of feeling on both sides of the House, that one of the great evils of Ireland is the existence of these unions, devolving upon one individual the duties, or rather the emoluments, of very large districts. Every one, I believe, has felt the necessity of dissolving these unions, and a Commission was in consequence appointed to consider in what way they could best be dissolved. The Lord Chancellor of Ireland was one of those Commissioners who made this report. Acting on these principles, and always supposing that no dissolution of the unions would be effected so as to interfere with the vested rights of existing incumbents, but supposing, generally, if not universally, that the dissolution, if desirable, would be carried into effect at the earliest possible period, consistently with the observance of those rights, the Commissioners have, in the annexed schedules, recorded their opinion, that out of the 110 unions stated to exist, the dissolution of sixty-one is most practicable and fit. The Commissioners, at the same time, most properly protecting the interest of the present incumbents, state, "the Bishop of the diocese is of opinion, that considering the circumstances of the parishes of Down, a dissolution would be practicable, in which the Commissioners concur." Secondly, "the Bishop thinks, that convenience would be likely to result from the dissolution, by placing the Ministers of the several parishes generally in a situation of greater respectability, without diminishing the incomes and dignities of the see." They afterwards state, that the period at which it is proposed to effect the alteration, is the next avoidance of the deanery, that being the earliest period at which the dissolution would be practicable. The existing interest expires, a vacancy takes place, the deanery of a certain union of parishes becomes vacant, and the man placed in that union is the son of one of the Commissioners. Why, there can be but one opinion on this point, when, after such a direct and explicit recommendation, an immediate relative of one of the Commissioners is, on the first avoidance of the living, on the very first vacancy that occurs, to be the individual selected to fill the appointment. The appointment, however, has taken place; it would be very unjust, I dare say, with reference to the respectable individual who fills this office, to recall that appointment, as he has vacated other appointments of equal value; but this I do say, for the sake of supporting the authority of the Crown, by the authority of the Commissioners, let the Crown give this individual the first preferment of an equivalent value that may become vacant; let them not injure existing interests, but do let them take the first opportunity of carrying into effect a recommendation, the second name appended to which is the name of Lord Plunket.

Mr. Secretary *Stanley:* I rise for the purpose of very briefly explaining the statement which I have already made to the House, because, in the first place, I cannot conceive that the right hon. Baronet would recommend the displacing of this individual, the appointment having taken place; and, in the next place, I think the right hon. Baronet has argued this question as if I had contended, which I did not, that it was not intended, and that forthwith, to carry into effect—so far as it could be carried into effect—the recommendation of the Commissioners. I have not got the Report before me; but if the right hon. Baronet will turn to it, he will see, that the recommendation of the Commissioners was for such a dissolution of the union of Down as would give the dean a nett income of 3,100*l.* This appointment took place within, I believe, a very few weeks after the making of the Report, which I had not at that time seen. The appointment took place, the living vacated being worth 1,200*l.* a-year. If the recommendation of the Commissioners were at this moment carried into effect, I am given to understand that the effect would be to reduce the nett income of the dean to between 380*l.* and 400*l.* [Mr. *Ruthven:* No, no.] The hon. Gentleman denies this statement; if the hon. Gentleman will call on me in private to-morrow morning, I shall be happy to show him my authority for making it, and he shall have full liberty of investigating it to the fullest extent. The question now before the Privy Council, who are at this moment considering in what manner they can carry into effect the recommendation of the Commissioners, always bearing in mind that a part of their intention was, that an income of not less than from 1,000*l.* to 1,200*l.* a-year should be secured to the dean on his having the deanery in the parish of Down. This intention, I have not the least doubt, will be faithfully carried into effect. It is only fair to say, the appointment having been made very shortly after the making of the Report, and before it was perused by me, the dean of Down finding that he had been appointed in opposition to the recommendation of the Commissioners, expressed his readiness to abide by that recommendation, even though by so doing, he incurred a certain loss of income. This would be the result of the recommendation being strictly carried into effect, which, I am sure, neither the House nor the right hon. Baronet would be disposed to advocate. So far, however, as the spirit of the report goes, I can assure the hon. House that it is the full determination of the Irish Government to carry into effect, not only this, but all the other recommendations of the Commissioners.

Mr. *Hume* said, it appeared to him that the question was treated by the right hon. Gentleman as if it were merely a money question. Now, he perfectly well remembered, that when an hon. Baronet, not now a Member of this House, introduced his Motion for the appointment of those Commissioners, the great advantage which was dwelt upon as likely to result from their inquiries was this—that the individuals frequenting the different Churches in the union, would be very much convenienced by having a separate clergyman appointed to each.

Mr. Secretary *Stanley:* Really the hon. Gentleman does not seem exactly to understand the question. They have a separate clergyman now—there is a dean with a large preferment—a Curate and vicar on small preferments. Now, the object was to effect such a dissolution of the union as should endow each living with the rectorial tithes of its own parishes. Had this been done originally, the Rector and perpetual Curate would have been appointed by an authority over which his Majesty's Government would possess no control.

Mr. *Hume* was quite aware of the facts which the right hon. Gentleman had just stated. What he was about to observe was, that it was stated as a very important ground for the Motion, that the clergyman officiating in each of the parishes would have each of them, an adequate income, depending on his own efforts, and quite unconnected with any individual holding the monopoly of the rectory. Now, he must say, that this became a question of very serious importance, when after the Commissioners had declared their opinion in favour of a change, one of those Commissioners departed from that recommendation in favour of his own son. It certainly did appear to him, as the right hon. Baronet below him had very truly said, that if ever there was a case in which this House would be justified in interfering with an appointment of this description, it was this. He should very much like to know, who recommended this individual; who proposed to the Lord Chancellor of Ireland the promotion of his own son, and whether it was given at his own recommendation? He thought this was just that species of case in which the House ought to have the fullest possible information laid before it. After the appointment of this individual by the Lord Chancellor of Ireland, he really could see no injustice in this House sitting as a Court of Equity, agreeing upon an Address to his Majesty, praying him to have justice done in this case, and that the recommendation of the Commissioners, which this House generally is of opinion it would be advantageous to adopt, may not be set aside by any of the parties interested in the question.

Mr. *Robinson* said, when he first heard the statement of the right hon. Gentleman opposite, he was induced to think that he might have voted with his Majesty's Government, but after the explanation which had been given on this question, he certainly thought that this was one of the most serious cases that had come before Parliament for a long time, not perhaps as to the amount of money involved, but as affecting the character of a public man, and it would very seriously affect his Majesty's Government, if, after all their professions, they attempted to cast a shield over it. He really could see no difference between an eminent stationer procuring for his son a situation in the Stationery Office, and the Lord Chancellor of Ireland putting his own son into a situation, which a body of Commissioners, of which he himself was one, declared should not be filled up. He had no hesitation in saying, that he thought such an appointment might be afterwards revoked by the proceedings of that House, and that they should best discharge their duty by expressly showing, that if public men were so led away, such acts of injustice towards the public should meet with their decided reprobation. Some other circumstances of a similar character which had heretofore taken place, relative to the appointment by the Lord Chancellor of Ireland of his relatives to places of trust and profit, induced him very reluctantly to make these observations. He thought it was highly creditable to the individual appointed, that, when he discovered how the case really stood—he being ignorant of the recommendation of the Commissioners at the time of the appointment—he made the representation he did to the King's Government. He would maintain, however, that this had nothing to do with the merits of the appointment itself; and that they would not do an act of injustice to any one—even to that individual himself—if they decided on the propriety of Addressing the Crown to revoke the appointment. If the right hon. Baronet were to press such a Motion to a division, he certainly should have his (Mr. Robinson's) most hearty support.

Mr. *Littleton* perhaps might be allowed to suggest, that the House should abstain from expressing a very strong or decided opinion on this case, until it had ascertained the nature of the course taken by the Lord Lieutenant in Council—because the declared opinion might be, that in this case there was nothing to complain of. Whether this would be the case or not, he, of course, was unable to say; but this much he might state, that he (Mr. Littleton) had seen a letter, not addressed to him, and partaking somewhat of the nature of a private communication, in which the writer expressed the strongest opinion, that in consequence of the altered circumstances produced by the operation of the clause in the Temporalities' Act, it would be the duty of the Commissioners to revise the whole of their Report. What recommendation they might give under those altered circumstances was another question; but he thought the House should pause before it formed a judgment of a case, the merits of which were not in any way before it.

Colonel *Davies* said, that with reference to what had fallen from the right hon. Secretary for Ireland, he begged to remind the House, that this appointment took place long before the passing of the Church Temporalities' Bill. He could not help saying, that in his opinion this was one of the most scandalous cases of abuse that ever came under the consideration of the House. They were told, that the question was under the consideration of the Privy Council. Who was the most important member of that Privy Council? Why, the Lord Chancellor himself; and thus he was to be constituted as the Judge of his own act. He was very sorry the right hon. Baronet had been induced to withdraw his Motion. He thought the sense of the House ought to be taken upon it; and he had no doubt, that if he pressed it, e would be enabled to carry it.

Mr. *Sheil* thought that the revision of the emoluments of the deanery, and of all those unions, was suggested, a year ago. Now, what were the facts of this case? The Commissioners made a certain Report; they recommended the dissolution of these unions; an avoidance took place; the Government had cognizance, or ought to have had cognizance, of this fact; the Lord Chancellor was one of the Commissioners; this appointment was made in the name of the Government; and he appointed his own son. Now surely this simple fact was sufficient; there was no complaint—there was no reference to what had been done; and when the right hon. Secretary for the Colonies was Secretary for Ireland, did he remonstrate with the Lord Chancellor when he was in office? This occurred three years ago, and he was Secretary for Ireland for two years during that period. Did the right hon. Gentleman communicate with the Lord Chancellor and say, "For God's sake, make some arrangement which will remove your son from this appointment?" Is it not natural to suppose, that this course would have been pursued? It had been said, that the Commissioners recommended that the salary should be 1,000*l.* a-year. It was now, he believed 3,000*l.* [Mr. *Littleton:* Oh, no! 2,000*l.*] Well then, the facts were clear, and required no comment; and under these circumstances he contended that they had a right to know what course his Majesty's Ministers meant to adopt with reference to the intervention on the part of one of their own Commissioners appointed by themselves who was Lord Chancellor of Ireland.

Mr. *Ruthven* wished to remark, that one of the Commissioners appointed to value livings in the southern part of Ireland, was the son of the present holder of the deanery of Down.

Mr. *Goulburn* merely rose for the purpose of saying, that he was willing to accede to the suggestion of the right hon. Gentleman opposite. He was quite confident, after what had passed to-night, and after the general expression of opinion on the part of the House, that the object he had in view in bringing this question forward would be effected, and therefore, without depriving himself of the opportunity of again bringing the question under the consideration of the House, should it be necessary, he thought it would be more becoming in him not to press the matter at present. With reference to the argument of the right hon. Gentleman, as to the operation of the Church Temporalities Bill having the effect of altering the Report of the Commissioners, he would only say, that if he had searched for the strongest argument which could be adduced in favour of this Motion, he could have found none of greater weight than that.

Motion withdrawn.

CALL OF THE HOUSE—REPEAL OF THE UNION.] Mr. *Spring Rice:* In rising to move for a Call of the House on the occasions of the Motions of the 15th and 22nd of April, for an investigation of the Union with Ireland, he had to apologise for the terms in which he had given his notice of Motion; but that circumstance arose from the notices on the book —the one being for the 15th of April, and the next for the 22nd of April, for a Select Committee to inquire into, and to report the means by which the Repeal of the Union might be effected, &c. Now, he wished to know which Motion was to come on?

Mr. *O'Dwyer:* Both.

Mr. *Rice:* Then he would move, that this House be called over on both occasions. He knew it was unpopular to move a Call of the House; but he trusted he should stand excused, in resolving, that the call should be enforced on each occasion.

Mr. *O'Dwyer* hoped the House would be called over. His own Motion stood for the 15th April.

Sir *Robert Peel* hoped that his right hon. friend would show sufficient confidence in the House, thus far, that if the first Motion to which his notice referred were not carried, there could be no fear for the second.

Mr. *Rice* said, he would not object to suspend the Motion of a Call of the House on a second notice of Motion, at the present moment, as he only wanted to have one full discussion, which he thought would be sufficient. But, he might find that the question fixed for the 15th was abandoned. If, then, the discussion for the 15th was not brought on on that day, he would move a Call of the House for the 22nd.

House ordered to be called over on the 15th of April.

Borough of Warwick.] Mr. *Halcombe* rose, pursuant to his notice, to move the appointment of a "Select Committee to take into consideration the evidence already before the House, relative to the borough of Warwick, and to report to the House full particulars respecting the cases of bribery, and the class or description of persons bribed; and whether any treating, and to what extent, by the authority of the candidates or their agents, occurred after the issuing of the writ; and particularly to report whether in the event of disfranchising the parties bribed, or that class of electors to which they belonged, a sound and competent constituency would remain in the borough; and that such Committee be appointed by ballot, two Members being named by the House." The hon. and learned Member adverted to the Report of the Committee to which the case of the borough had been referred, and said, that he had asked the hon. and gallant Officer (Sir Ronald C. Ferguson) who was Chairman of the Committee, who it was, by whom the Report of the Committee had been drawn up, but the hon. and gallant Officer had refused to give him any information on the subject. He had heard, however, and he verily believed, that the Report had been drawn up, not by any member of the Committee, but by Mr. Parkes.

Sir *Ronald C. Ferguson* said, that the hon. and learned Member was as ignorant on that point, as he was on all the other matters connected with the question. The Report had been drawn up by a member of the Committee, and was approved by the rest.

Mr. *Halcombe* contended, that a course ought to be pursued with respect to Warwick, similar to that which the House had adopted with respect to the borough of Carrickfergus; and confidently submitted his Motion to the House.

Motion negatived.

HOUSE OF COMMONS,

Wednesday, March 12, 1834.

Minutes.] Petitions presented. By Sir Michael Shaw Stewart, from Paisley, for the Abolition of Church Patronage there.—By Sir Robert Peel, from Bridgewater, in support of the Established Church.—By Mr. Littleton, from the Fishermen of Bantry, for Relief.—By Colonel Anson and Mr. Littleton, from two Places,—for the Better Observance of the Lord's Day.—By Lord Granville Somerset, from Hertford, against the Bill for Disfranchising that Borough, and from Chepstow, for Protection to the Established Church.—By Sir Francis Vincent and Mr. Kemeys Tynte, from two Places,—for Amending the Libel Law.—By Colonel Seale, from Brixham, for the Repeal of the Reciprocity Duties Act; and from Dartmouth, for Protection to the Established Church.—By Mr. Ewart, from Birkenhead, for a Vestry-room detached from the Church.—By Mr. W. Whitmore, from Sedgeley, for the Repeal of the Sale of Beer Act.—By Mr. O'Connell, from Rye, for Mitigating the Penalty imposed upon L. E. Cohen; and for the Amendment of the Libel Law; and from West Auckland, for Universal Suffrage, Vote by Ballot, and Annual Parliaments.—By Mr. Ward, from the Parish of Marylebone, against the Board of Sewers.—By Mr. O'Connell, from Galway, for the Repeal of the Apothecaries Act; from several Places, for the Abolition of Tithes; and for the Repeal of the Union.—By Lord Morpeth, Sir W. Chaytor, Colonel Seale, Colonel Williams, and Messrs. C. Berkeley, Ryder, H. Handley, Calvert, P. Thomson, G. W. Wood, Gaskell, L. Watkins, Baines, Brotherton, Wilks, Brodie, W. Whitmore, Parrott, and Ewart, from a Number of Places,—for Relief to the Dissenters.—By Mr. Colquhoun, from several Places, for the Abolition of Lay Patronage in Scotland.—By Lord Morpeth, from several Places, for Inquiry into the present State of the Medical Profession.—By Mr. Rider, from three Places, for a Commutation of Tithes.—By Mr. Colquhoun, from Dumbarton, in favour of last year's Sabbath Observance Bill; and from one Parish, for a Revision of the Law relating to Parochial Schools in Scotland.—By Messrs. Methuen and Talbot, from several Places,—for an Alteration in the System of Poor Laws.—By Messrs. Whitmore and C. Berkeley, from several Places,—for the Better Observance of the Sabbath.

DISTRESS—IRELAND.] Mr. *O'Connell* presented Petitions from the parish of St. Mary's, New Ross; from the parish of Longwood, county Meath; the parish of Tullalish, county Down; the parish of Ballyhogue, county Wexford;—for the Repeal of the Union. With regard to those petitions, he (Mr. O'Connell) would just mention to the House the circumstance of the women of these different places making an application to affix their signatures to the petitions. He mentioned this, to show the intense anxiety that predominated in the breast of the Irish people for the Repeal of the Union—an anxiety which would prevail until the object of it be attained.

Mr. *Poulett Scrope* said, he had received a letter from Ireland, detailing scenes of misery which were sufficient to account for the feeling which the people had in favour of a Repeal of the Union, since that, they were told, would give them relief. The letter was from Dr. Locke, an officer of the Board of Health in Dublin. He stated, among other scenes he had recently witnessed, that in one house he found, in a garret, seven old and helpless females, without fire, food, or raiment, with the exception of a few rags, which they wore both night and day, which were wet, and remained so from the want of fire to dry them by. Dr. Locke added, that he had seen pigs in a sty better lodged. In an opposite room, he found nine human beings, younger than the first, with the same kind of covering. One of the women had a child hanging at her breast, crying for the nourishment she could not give, because she herself had been without food. But, he had seen still deeper misery than this; for he had seen, men, women, boys, and girls, lying down and rising together in one common room. Children of both sexes, from six to twelve years of age, were familiar with vice of every description, having no employment, and no one to take care of their morals. In one house in Felix-street, near Smithfield, he found nineteen females in one room, who formerly were employed as glovers; but who now, when they rose in the morning, had not one penny between them to buy food. Such being the state of things described by Dr. Locke, was it to be wondered, that the people called out for anything which they were told would give them relief? Could they be living in a Christian and civilized country, and allow such a state of things to go on without a remedy?

Mr. *O'Connell* said, that the gentleman who had written the letter quoted by the hon. member for Stroud, was worthy of every credit. He had not at all exaggerated the deplorable condition of many in the city of Dublin. Another officer of the Board of Health (Surgeon White) had published a pamphlet, detailing what he had seen, from which it appeared, that in one parish, containing 8,000 inhabitants, there was only one blanket between every thirty-five persons. Such a state of destitution, was frightful, and that man, who did not feel for it, could not have a human heart beat in his breast. The only question was, the mode of relieving it. Formerly, there was a million of Irish money spent in Dublin, which was not the case now. One hundred noblemen had their residences there, as also two hundred country gentlemen. If they were still there, Dr. Locke would not have to write letters complaining of the state of the people, to gentlemen in England. There was not a city in the world of its size where so much charity existed. The hospitals and other benevolent establishments were most numerous, and were all of them supported without the aid of Government. He thought, that the only effective method that could be devised for the relief of the distressed people of Dublin, would be to allow the Irish to manage their own affairs; to oblige those who had money to spend it at home; and to give some compulsory power, such as formerly existed in this country, by which absentees could not only be called home, but that persons having estates in Ireland, should not be allowed to have them elsewhere. The hon. Gentleman who last addressed the House, thought a Poor-law the remedy for the distress to which he had alluded, but, in his opinion, a Poor-law would be an addition to the already existing grievances. He could never assent to the assertion, that, one man had a right to be relieved by the property of another being forcibly taken from him, and that was involved in the principle of Poor-laws. He did not say one word with respect to the moral obligation—his objection lay to the legal part of the question. There was no doubt that distress existed in Ireland, the difficulty was to find a remedy. The solution of that doubt would, he was sure, enlist all the feelings of that House.

Mr. *Lambert* said, that there was no doubt that distress, to a melancholy extent, existed in Ireland, but he did not see how that distress would be relieved by the Repeal of the Union. Distress had existed previous to the Union, and it was matter of history, that measures of the greatest injustice to the poor had been passed by the Irish Parliament. He admitted, that absenteeism was an evil; but did it decrease the evil of absenteeism, by rendering the country uninhabitable, and driving out of it every man who did not belong to a particular faction? He knew that many gentlemen had been driven out of the country by the state of things which existed there—three were gentlemen who gave large employment to the people. Employment was all that was wanted to relieve the distress of the people; and he thought it would tend to more good, to direct the public attention to the demanding measures of practical relief, than to delude them into the pursuit of those which were impracticable. Governed as Ireland had been for centuries, she had at last a right to expect justice, and that justice would be most effectually rendered by taking measures for the relief of the people, by giving them employment and support.

Mr. *Ruthven* was sorry, that, however Irish Members might disagree on other subjects, they were quite unanimous as to the existence of distress. It was too bad, after Ireland for thirty-three years had been suffering the effects of the Union, to attribute her present state to the bad Acts passed by the Irish Parliament. Ireland was in a state which required a variance from the strict principles of free trade. Her manufactures must be protected, for a time at least, and some measures should be taken to check absenteeism. He denied that any man was unsafe in Ireland, unless he made himself exceedingly obnoxious by his opposition to the interests of the people.

Petition to lie on the Table.

HERTFORD BOROUGH DISFRANCHISEMENT.] Mr. *Bernal* moved the Order of the Day for the second reading of this Bill. As this measure had been already very fully discussed, he should not trouble the House at any length. That Report of, and evidence taken by the first Committee was referred to a Special Committee, and the recommendation of that Committee had led to the present Bill. The object of the Bill was to carry the recommendation of the Committee into effect. The electors were divided into three classes—the old inhabitant householders, who resided within the limits of the old borough, and who were subject to no qualification but the payment of rates and taxes; 2ndly, the freemen; 3rdly, the new 10*l*. constituency. The object of the Bill was to disfranchise the first class, as being the most determined supporters of the bribery; leaving the two other classes, who were scarcely tainted with corruption, untouched. The whole number who polled were about 671, and the total number of voters about 702. Of these, 314 were inhabitant householders of the first class; 264 were 10*l*. householders; and 124 freemen. It appeared also, from much of the evidence on the first Election Committee, that the extent of bribery and corruption depended materially on the limits. A great deal also came out before the Committee as to the distribution of tea, flour, coals, and other things, among the freemen of both kinds; this distribution not being in the accustomed manner, as charity, but evidently from a corrupt motive. It was proved, that a baker in the town had distributed flour amongst the voters in this manner, and also that the other articles mentioned were freely distributed amongst the voters, not merely the old freeholders, but also the 10*l*. householders. These were the facts as they appeared on the face of this Report. The Committee, in the discharge of their duty, then employed a gentleman of known ability and integrity to go to Hertford. Captain Brydone went to Hertford, in order to trace out a correct map of the place, and the parishes surrounding it. The result of Captain Brydone's investigation was the map which had been printed. The parishes which were within the boundary were all within a certain distance of the town of Hertford. Not one of these parishes was more than five miles distant from the town. Many of these places were not more than three miles from the town. The Committee were guided entirely by the survey which had been made. They threw entirely out of their consideration whether any particular portion included within this boundary was occupied by wealthy individuals, or by persons professing one political opinion or another. Their only object evidently was, to purify the corrupt representation of Hertford; and the effect of the proposed alteration would be to add a very considerable number of voters to Hertford. In the seven parishes the number of 10*l.* freeholders was 688, of whom 115 possessed the right of voting at the county elections. The Committee, in their Report, remarked, that a great number of these freeholders might either prefer the right of voting in the town or many of them possessed freeholds in other parts of the county, out of which they would have the right of voting at the county elections. It did not follow, because these 115 possessed the right in the county, that they would therefore prefer to exercise that right. The Committee, it must be admitted, had a difficult task to perform; and that task they had performed to the best of their ability. When the Bill went into Committee, any suggestion calculated to improve it would no doubt be most willingly received. He thought it was too late for any Gentleman to get up and say, that no notice ought to be taken of these corrupt practices, and that they ought not to apply some remedy for those evils, the consequences of which would be even more dangerous than the present effects, which were of the most grievous description. Allusion having been made to a trial in the Court of King's Bench of a person named Russell Davies, a voter at the last election for Hertford, and a witness before the Election Committee, who had been charged and convicted of perjury, he (Mr. Bernal) thought it proper to state, that Davis's evidence was not received by the Election Committee, but was completely discarded. Upon the very first opening of that man's evidence, he believed there was no Gentleman composing the Committee who had thought it entitled to belief. He stated this to remove any unpleasant impressions which might be hostile to the merits of the case, and in order to do justice to a noble Lord who might be thought to be affected by the evidence of Davis. Some Members of the Committee were for disfranchising the borough of Hertford altogether; others were for transposing the representation to the county; but he was in favour of neither of these plans. He had, for a long time, thought—and what he every day saw only the more firmly convinced him of the fact—that it was desirable for them to take care to keep up the balance of the town against the county representation. He would not weary the House by going through the details with which he troubled them on a former occasion; for, as the House then agreed that corruption did exist at Hertford, they had only now to apply as good a remedy as they could. He offered them one; but if any one thought it could be improved, the Committee was the place for improving it. He begged to move, that the Bill be read a second time.

Lord *Granville Somerset,* although he agreed with the hon. member for Rochester, that it was not necessary to trouble the House by going through the whole of the evidence given in this case, he could not agree with him, because the House had affirmed that Hertford was in a corrupt state, that, therefore, this Bill ought to be read a second time. The Government had not disfranchised the town of Newry, when cases were proved against it as strong, if not stronger, than any of those insinuated against the borough of Hertford; on the contrary, it had only instituted a prosecution against one individual. Why, therefore, should that be done in the one case which was not done in the other? Was it not injustice and partiality? Indeed, he did not see why the individuals about to be disfranchised should not feel a degree of indignation when they saw one measure of justice doled out to them, and another to others. There was a great distinction between treating and bribery, and he did conceive it too hard, that between two and three hundred individuals should be disfranchised on such evidence as had been laid before the Committee. He, therefore, implored the House to pause and consider well the subject, before it proceeded to act upon the Report of that Committee, and disfranchise the borough of Hertford. Some case had been adduced where a shilling was given in charity, but no case of bribery could be substantiated. He thought it would be most unjust to inflict an *ex post facto* punishment on those men who could have had no participation in the crime. He certainly did not mean to say, that persons who were guilty of bribery should not be punished, but the innocent should not suffer for the guilty. The noble Lord adverted, at some length, to the evidence of one of the witnesses, for the purpose of showing, that coals and flour, which had been given to some poor people of the town, at the instance of two noble candidates, went no further than this, namely, to establish the fact, that the noble Lords were anxious to be considered in the light of popular candidates. He would beg to ask the hon. member for Hertfordshire, whether he had not given those tickets himself? And whether he had not done so without the least intention of bribing or of doing anything wrong? He was sure that no man in the House would be further from doing anything which he could believe to be illegal and corrupt. The only persons concerned in the treating were the lowest class of voters—the scot-and-lot householders. The hon. member for Rochester ought to consider in what state he would leave the constituents after the disfranchisement of those 524 electors. The whole number of electors appeared, by the Report of the Special Committee, to be 702, and, of those, 670 voted at the last election. The electors consisted, as the hon. member for Rochester had said, of three classes— the inhabitant householders, the freemen, and the ten-pound householders. There were 400 of one class, who were declared perfectly free from suspicion or taint, as also 124 of another class; making in all 524 electors living completely in the midst of this alleged system of bribery and corruption, and yet wholly free, according to the terms of the Report, from taint or suspicion. It was proposed to give to Hertford 600 additional voters—the number free from taint there was 524 only; and the former would overwhelm the latter by majority of numbers. Knowing the notorious antipathy of Hertford to Ware, why should they annex them, and so increase the squabbles between them? It might be said, it would be impossible to have a proper constituency, after cutting off the freemen; but it was not the fact, for twenty-five boroughs of England had each a smaller constituency than Hertford would have without the freemen. He really could not account for their anxiety to swamp the constituency of Hertford by throwing in Ware, especially when he recollected, that even if the electoral franchise were taken away from the freemen, there would still be a respectable class of ten pound voters (not less than 430), and that there were, at the present time, twenty-five or twenty-six boroughs with a less amount of constituency. Before he sat down, he must beg to ask them whether, by countenancing the five Bills which had been brought into the House, they were not making a great change in the constitutional system of the country as arranged by the Reform Bill? In conclusion, he must say, he could not see the justice of punishing the town of Hertford for the corruption which had been adduced, seeing what had been done at many contested county elections. No one lamented the existence of this corruption more than he did, but he could not admit the propriety of the proposed punishment. Whatever might be the fate of the Bill at this stage, he was satisfied it would undergo an extensive alteration in the Committee. Still believing that the measure was fraught with gross injustice, he begged leave to move, as an Amendment, that the Bill be read a second time that day six months.

Mr. *Nicholson Calvert* rose, at the request of the noble Lord (Lord Granville Somerset), to furnish him with the information he was desirous of receiving as to the origin of the practice of issuing tickets to the voters of Hertford. Till the period of his (Mr. N. Calvert's) quitting the representation of the borough, the electors had never made choice of any other than some gentleman resident in the county; and up to that period, it was the practice after the election for the Members to give a dinner in the Town-hall to the higher classes of the electors, and the same to the poorer classes, by opening a certain number of public-houses within the borough. Upon Mr. Spencer Cowper's election, in conjunction with him, in 1802, it was represented by the more respectable class of inhabitants to the new Members, that the practice of opening public-houses was very objectionable,—creating in the town great annoyance to the more quietly-disposed inhabitants, by breaking windows, fights in the streets, &c. In consequence of this representation, it was agreed to by all parties, that in lieu of opening the public-houses, each elector should receive from each candidate whom he voted for, two 5*s*. tickets. This practice continued uninterrupted during the period he had represented the borough, — about twenty-three years. What change, if any, had taken place in this ticket system, he had no knowledge of, having in no way interfered in any of the subsequent elections. But it would not be making a fair and impartial statement of later events, if he omitted to say, that lately a great and predominating influence had been created in the borough, which threatened its independence with extinction, if no remedy were afforded by parliamentary interference.

Sir *Robert Peel* could not acquiesce in the Amendment which had just been moved by his noble friend near him. Two reports had been presented upon this borough to the House by a Committee, which he was bound to say had taken a very fair and impartial view of the subject into which it had been appointed to examine. He should therefore testify his respect to that Committee, by giving his support to the second reading of this Bill. He would take, however, that opportunity of saying, that if treating amounted to bribery, or if proof of treating were to be considered as equivalent to proof of corruption, half the boroughs in the country might—nay, must be, disfranchised. He thought that some attempt ought to be made by law to define what treating was. The practice of giving *5s.* refreshment tickets to electors of the lower orders had prevailed in the borough which he had the honour to represent for more than a century; indeed, he might say, ever since it was made a borough, in the reign of Queen Elizabeth. Yet he believed, in all that time, even when party spirit was at the highest, that there had never been a shilling given to any elector corruptly as the price of a vote. There never had been an impression in the country that there was anything corrupt in giving an elector a *5s.* ticket for a supper. It was not thought corrupt for a candidate to invite the respectable electors to meet him, and to give them a dinner which cost *2l.* or *3l.* a-head; and that being the case, he thought that there could be no harm in the electors of a lower class arguing thus;—"If you, the candidate, will not admit us into your company in your social moments, give us at least the means of enjoying the festivities of the election." Of course he was speaking of what occurred after the election; still, if the House sanctioned such proceedings, it was impossible not to see that it opened wide the door to every species of corruption. He hoped that, in the Bill which was to be introduced upon this subject, due care would be taken to guard against the danger to which the freedom of election was exposed on this score. Looking at the tenor of the evidence collected by the Committee, he must say, that he was not prepared to vindicate the conduct of all the electors of the lower class at Hertford. At the same time he must say that no speculative ideas of expediency, no theoretical notions of reform, would induce him to disfranchise the lower class of electors without delinquency being proved against them. He found that the Committee entertained the opinion that the lower class of electors at Hertford had participated in the corruption which they said prevailed there. He had examined the evidence which bore upon that point with great attention, but at present he was inclined to suspend his opinion. Though he supported the second reading of the Bill, he must say, that he could not assent to the Bill as it stood at present. He could not assent to that part of it which proposed an extension of the constituency. He found, that there were in the borough 430 respectable 10*l.* householders. [Mr. *Henry L. Bulwer*: No, not respectable.] Did the hon. Member mean to say that the constituency provided by the Reform Bill was not respectable, and that the Bill proceeded upon a false assumption? Besides these 430 10*l.* householders, there were 120 freemen, whom the report acquitted of corruption. When he found in a borough where lax practices prevailed, 300 voters who were admitted to be incorrupt, he must say, that it was hard to visit such a number of electors, who were exempt from blame, with the penalties which ought only to attach to guilt. The borough of Hertford had now a constituency of 550 electors exempt from all blame. Why should they one and all be mulcted of their fair influence in the representation, by calling in the people of Ware and Hoddesdon to share that influence with them. Again, the limits of the borough of Hertford were extended by the Reform Bill. The first Reform Bill disfranchised all the inhabitants save the 10*l.* householders. The present Reform Bill contemplated the same extent of disfranchisement at a period not very remote, for the scot-and-lot voters and the freemen were only to retain their votes during life. In point of fact, therefore, the Reform Bill contemplated the borough of Hertford being left with about 400 electors. Why, then, should the House go beyond the Reform Bill now? He objected also to this bill in its present form, because, in reality, it gave five Members to the county of Hertford. The new borough of Hertford, as formed by this bill, would constitute a small county, for ten agricultural parishes were, he saw, to be added to the borough of Hertford. It was often said in that House, that the agricultural interest was already too strong for the interest of the towns, and yet, supposing that to be the case, the House was now going to add to the strength of the agricultural interest by adding two Members to it, and by subtracting two from the interest of the towns. The men of Ware had entered Hertford with bludgeons to control an election in which they had no concern, and so far from punishing them, the House was now going to reward them for it, by investing them with the elective franchise. He conjured hon. Members to leave Ware where it was, for he thought that the including parts of counties in towns for the purpose of reforming the representation of towns, was a practice highly objectionable.

Mr. *Henry L. Bulwer* admitted, that there were 430 10*l.* householders in Hertford, but he had applied the term respectable, to voters, as synonymous with independance, and they held their houses upon leases from some great proprietors, terminable after ten days' notice. Such a condition left it in the power of the landlord, before any election, to disfranchise all the persons whom he conceived to be opposed to his interest.

Mr. *Halcombe* would detain the House but for a very few moments. With any regard to either principle or consistency, it would be impossible for the House to sanction the Bill now before it. He had the most perfect confidence in the impartiality and integrity of the Committee who made this Report; but if the House were to look to the very first principle which governed the administration of law in this, and every country, they must admit, that the parties whose rights were affected, ought to have an opportunity afforded them of being heard in their own defence. The case with regard to the electors of Hertford stood thus:—The first Committee was an Election Committee, and the sole point it had to determine was the good or bad return of the sitting Members. Before that tribunal the electors had neither opportunity nor power to be heard. The Committee, however, reported that bribery and treating had prevailed in the borough, not only during, but previously to, the last election. But, so far as bribery or treating might have prevailed in the borough previously to that election, it was clear that this Committee could not fully inquire, or have the parties interested before them. And, although he did not mean to say there was any impropriety in their reporting incidentally upon this point to the House, yet if they were to have anything like English principle acted upon, the parties affected by the change recommended in that Report ought to have had an opportunity given them to show, if they could, that there was not sufficient ground for the charge against them, or that the remedy suggested was either unjust or unwise. But a second Committee was appointed, and for what purpose? not to make inquiry into by-gone bribery and treating, but to consider in a special Committee, for the convenience of the House, what used to be considered in a Committee of the whole House, how bribery and treating might best be prevented. Now, although this Committee certainly had the power of calling any persons as witnesses before them, yet, in point of fact, they examined only three witnesses; and who were they? The town clerk, who proved the number and classes of the voters, and two freemen, who proved the quantity of tickets given to the electors since 1823; but the electors were not called in their own defence. One of these witnesses had been since convicted of wilful and corrupt perjury. Though this man's evidence was mentioned, he believed, in the Report, the fact of a conviction for perjury was not adverted to. His evidence should have been rejected as that of a fellow totally unworthy of credit. If this Bill passed in its present shape, they would violate the very first principle of English justice, which was, that men should be considered innocent until they were proved to be guilty. No case ever occurred before in which a borough was disfranchised unless a majority of the electors was proved to be corrupt. This was the principle laid down in the Penryn case, and all they now proposed to do was entirely without precedent. Had he been a Member of the House at the time the measure was brought in, he would have supported the Reform Bill. It gave to the people of England what they were justly entitled to, and which they had too much intelligence and independence to abuse. To derive from that measure all the good it was capable of conferring, the people required nothing more than a judicious and firm hand at the helm to steer a straightforward course, not a hand constantly veering to one side and the other. That measure had his approbation as one of extensive and generous reform, but not such paltry, pettifogging reform as this. Some general principle should be adopted and applied alike to all places in which bribery was proved to exist. Some of the boroughs were now too small. He could not say whether Hertford were one of them. He was no friend to corruption or rotten boroughs, and would most willingly lend a helping hand to any person who seriously undertook to cleanse the Augean stable. He begged the House to recollect that before the first Committee the persons complained of were not parties to the inquiry, and had no opportunity of defending themselves; and before the second Committee the witnesses were examined without the sanction of an oath.

Mr. *Clay* wished to remind the House that the Election Committee thought, that there was sufficient evidence to implicate the electors of Hertford without the examination of the two witnesses whose evidence had been alluded to by the noble Lord. It should also be recollected that, in addition to the ticket money for treating, alluded to by the right hon. Baronet; it had been proved, that two or three times before the election, small sums had been distributed to the electors. The right hon. Baronet expressed some alarm lest, by the House adding a large surrounding constituency to the present electors for Hertford, the balance between the town and country constituency should be affected, and too much weight given to the agricultural interests. He denied that it could be so in the case before the House, as the great portion of the voters that it was proposed to add belonged to surrounding towns which were daily becoming of increased importance. He thought that there was no danger of increasing the influence of the agricultural interest, by the Bill under consideration. He was surprised, therefore, to hear the objections of the right hon. Baronet to the Bill before the House. He (Mr. Clay) recollected, that the right hon. Baronet was one of those who proposed and supported the disfranchisement of the forty-shilling freeholders, who had not been charged with corruption, but with merely on one occasion asserting their privilege and acting independently. That measure was brought forward and carried on the ground that it was expedient to the general good that the Irish forty-shilling freeholders should be disfranchised. For his own part he was not of opinion that it was necessary to prove general corruption to justify disfranchisement; it was sufficient, if it could be shown that such a proceeding would be for the general good. He did not consider the elective franchise as a right or a privilege, but a trust for the general body. When, therefore, it appeared expedient to change or remove it, he considered the Legislature was justified in doing so.

Sir *Henry Hardinge* protested against the doctrine laid down by the hon. member for the Tower Hamlets, that the House was justified in disfranchising a place on the ground or principle of expediency. A more dangerous doctrine could hardly be maintained. In his opinion, it was their duty to legislate on the matter before the House, not on the particular doctrines laid down by any hon. Member, but on the principles of the law. By the law, treating had never been regarded as bribery. He maintained, that no case of corruption had been established against the voters of the borough of Hertford; but it appeared, that some corruption had prevailed in the surrounding districts. The only case which had been strongly urged against his two noble friends who were returned for Hertford, and, in consequence of which they had lost their seats, was that stated by a man who had subsequently been convicted of perjury in consequence of the evidence he gave before the Election Committee. He could not help alluding to the constitution of the Election Committees. He was a party man, and those who entertained similar principles to himself in that House did not exceed 150 or 160, while the number of those who entertained opposite opinions was nearly 500. In the Ballot for Election Committees the different parties had not the same chances of being placed on an equal footing. He did not mean that the Members of these Committees were ever influenced by party motives; but it was hardly possible, considering the infirmities of human nature, to divest the mind of all bias. He should be extremely glad, therefore, if some means could be devised of improving the constitution of the tribunal before which contested elections were tried. With respect to the present case, he could not help comparing the decision of an Election Committee on a Petition from an Irish borough complaining of corruption with that of the Hertford Election Committee. In the former case the Committee decided, that the returned Member was duly returned, but they declared that bribery had prevailed, and recommended that the House should direct the prosecution of Mr. Lisle by the Attorney-General, as it appeared to the Committee, that that individual had been guilty of gross bribery and corruption. The other Committee recommended that a different rule should be applied in the case of Hertford, where it was admitted that bribery had prevailed only to a very limited extent. The law should be the same in all cases; and, he was sure, that it would excite a general sensation throughout the country, that such a gross case as Newry should be allowed to escape, while Hertford was punished. If the Election Committees did not act more consistently than in these two cases, all confidence would be lost in their decisions, and men would rather be tried by any other tribunal.

Mr. *Roebuck* said, that the right hon. Baronet (Sir Robert Peel) had alluded to the small sum given to each voter; but, although only *5s.* it was a bribe. The law set its face against the practice, and declared it to be illegal, as it was an inducement to electors to vote with other than conscientious feelings. The right hon. Baronet also said, that it would be extremely hard to let the richest class of voters have their feasts, and to deprive the poorer class of a share in the enjoyment. He protested against that as a dangerous doctrine, calculated to destroy the independence of the poorer class of voters. He would not consent to treating in any case, and would punish the parties whether treating were given to the rich or the poor. To tolerate the system would be giving a most improper advantage to the rich man, and would often lead to the exclusion from Parliament of the more deserving candidate. If the House were really anxious to put down bribery and corruption, they would, at once, resort to the Vote by Ballot. The right hon. and gallant Officer (Sir Henry Hardinge) protested against the opinion expressed by the hon. member for the Tower Hamlets as to the question before the House being determined on the ground of political expediency, and said, that he considered such a doctrine to be extremely dangerous. But conferring or upholding political rights was altogether a matter of political expediency. He would ask what was the Reform Bill but a general and sweeping disfranchisement of a number of small boroughs for the purpose of political expediency? Political expediency was in that, as in other cases, the promotion of the general good. He was aware, that some hon. Members considered the term "political expediency" as most objectionable; but it appeared to him, that they did so because they did not understand it. The right hon. and gallant Officer said, that the Conservative party in that House was small in number as compared with that opposed to them, and that, therefore, there was almost a certainty to be a predominance of the latter in the selection of an Election Committee. The right hon. Gentleman said, that the party he was connected with was 150 or 160 in number; but he (Mr. Roebuck) was connected with a party, composed of much fewer Members. That however had no influence on his judgment, and he should be happy to see the functions of the Election Committee confined to a single Judge. He would rather have a single Judge to try the merits of an Election Petition than a tribunal composed of a hundred Members. He was satisfied, that the decisions of a single Judge would be much more satisfactory than those of the Election Committees. He was glad that the right hon. and gallant Officer, now that he was in the minority, entertained the opinions which he did in the constitution of an Election Committee, though he must express his regret, that those opinions were not entertained by the gallant Officer and his friends when they constituted the majority of the House. The House of Commons, from its nature, was not competent to perform a judicial office. He, therefore, thought it would be better if there was a single Judge for the trial of all cases of contested elections. He would not care from what party such a Judge was selected, as the eyes of the country would be on his proceedings, and he would not dare to be dishonest. He would not, however, allow the Judge to have a Jury, on which he might throw the responsibility of the decision off his own shoulders.

Sir *James Scarlett* was astonished when he heard the hon. member for Bath say, that political expediency was founded on political rights. He (Sir James Scarlett) was not astonished that the hon. Member was connected with a very small party when he entertained such opinions. Such a principle went to the foundation of every right, and affected every legal privilege. The hon. Member, he had no doubt, confounded things. Political expediency might be acted on in reference to general rights, or as affecting a whole people; but if the principle of political expediency was to be acted upon as regarded the rights of a single individual, or of a few persons, it would be the most consummate tyranny. He really could not see any criminality on the part of those who participated in the festivities that took place in celebration of the triumph of the successful candidates at the election for this borough. If a man were to say, "I can't get a dinner from this candidate, and, therefore, I won't vote for him; but I can get a dinner from the other, and, consequently, I will vote for him," he would, most undoubtedly, be corrupt. But nothing of this kind had occurred, and, therefore, he could not, for his own part, conceive how any man could connect half-a-crown that was given for a dinner on such an occasion with bribery. He was persuaded, that there was not a Member of that House who would grudge such a sum to each of his supporters for the purpose of celebrating his return; and, therefore, some distinction ought to be drawn between a festivity in every way so moderate, and under the circumstances so natural, and actual downright bribery. As, however, they had consented to let the Bill go into Committee, it would only be a waste of time to trouble the House with further observations upon it at the present moment. He must, indeed, be permitted to say, that if this Bill were intended to establish any such principle as that of rendering a person who happened to partake of a dinner that was given after the election had terminated a criminal act, he should feel it his duty to oppose it. A dinner so given before the election commenced might deserve to be called "treating;" but he could not see upon what principle of justice they could punish those who participated in a festivity that took place subsequently to the close of an election.

Mr. *Hardy* said, that it had been solemnly decided by the Judges of the Court of Common Pleas, in a case brought before a Court of Law, that not only was treating between the teste and return of the writ illegal, but that treating at all, whether before or after those two events, was equally a violation of the provisions of the Act of Parliament. He must say, that he heard with surprise, the doctrine which had been laid down by the hon. and learned member for Norwich. That hon. and learned Gentleman said, that a distinction ought to be made between treating and bribery; but he defied the hon. and learned Gentleman to show him a single instance in which such a distinction was adopted by either the Legislature or any high legal authority in the country. It was true that such a distinction had been now and then made by Committees of that House; but no man who read the Statute of William 3rd (improperly, as he thought, called the Treating Act) could, for a moment, contend for such a distinction. The proposition was untenable; and, so far from admitting any distinction of the sort, the words of the Act were conclusive against it. The language of the Act was, that no voter should receive any reward, benefit, meat or drink, office, employment, or other emolument, to induce him to vote, from the day of the teste to the day of the return of the writ, without being deemed guilty of bribery; and if during the interval, such practices were criminal, they were, according to his view of the matter, just as illegal, whether they occurred prior or subsequent to these events. In the case of the borough of Hertford, the Committee adopted the same view that he took of the law upon this question. They decided that treating, no matter when it occurred, was illegal, and upon that ground they set the election aside. But if it were not illegal, where was the necessity for observing secrecy, or why were men of straw invariably chosen to distribute tickets, and practise all the other acts of corruption, but because it would be useless to sue persons of that description for penalties? The Act of Parliament declared that 300*l.* a-year was a sufficient qualification for the representative of a borough; but how could a man of 300*l.* a-year, no matter what his other pretensions might be, hope to compete with a noble Lord who could expend a sum of 9,000*l.* in carrying his election, as was the case in the present instance. In the Bill which he meant to bring forward provisions would be contained for putting an end to the system of buying votes, and doing away with undue influence of every description. "Treating" before or after elections he proposed making illegal; for he thought the time had arrived when the system of influencing voters, no matter how, or by what means it was done, should cease for ever. While the present practices existed the qualification of 300*l.* a-year was a perfect mockery. The evil was one that required the remedy which he proposed applying to it.

Sir *James Scarlett,* in explanation, said, that the hon. and learned Gentleman was in error, in supposing the election cost 9,000*l.* The whole of the expense, including 2,000*l.* disbursed by the noble Lord himself, and the costs of the proceedings on the petition, did not exceed between 6,000*l.* and 7,000*l.*

Mr. *Shaw* said, there was a manifest distinction between treating and bribery, and that this was the only instance that could be shown, in which punishment was inflicted upon a borough, merely on account of treating. This measure could not be justified upon any principle that he knew of; and he entirely concurred in the opinion, that the expedience and right which hon. Members had talked of, were, to use the expression of the hon. and learned member for Bath, nothing more than a jingle of words without meaning.

Bill read a second time; and the issue of the Writ ordered to be further suspended till March 20th.

ROMAN CATHOLIC MARRIAGES (SCOTLAND).] Mr. Murray moved the order of the day for the second reading of this Bill.

Mr. *Andrew Johnston* said, that he hoped his hon. friend (Mr. Murray) would give some positive reasons why he introduced this measure, and mention his motives for bringing it forward at the present time. For his own part, he had expected that the bringing forward of the measure would have been delayed until after the general Bill for regulating the marriages of Dissenters in England had been introduced. By waiting until after that time, an opportunity would be afforded of bringing forward the measure with far greater propriety. When they reflected on the very grave consequences that must necessarily attend the introduction of his hon. friend's Bill, he thought the House would join with him in soliciting his hon. friend to withdraw the present Motion, in order to give the Bill more mature consideration, and the better chance of passing in a more useful and general form. He trusted his hon. friend would not press his Motion, but, if his hon. friend should persevere, he earnestly hoped that he would cause to be removed from the Bill many of its objectionable parts, in order to make it prove more palatable to the people of Scotland, than it certainly would be if it were allowed to pass in its present shape. If he opposed the Bill in its actual form, it was not because it proposed to remove the penalties from Catholic priests for celebrating marriages in Scotland, for, on that point, he agreed with his hon. friend; but he had yet to learn, why the Roman Catholic clergy should alone enjoy privileges so wide as those which were asked for them—privileges wider than were possessed by the respectable dissenting clergy. If his hon. friend should consent to remove the second clause of the proposed measure, which undoubtedly was the most objectionable one in it; and if he would extend it to the removal of all penalties from the general body of Dissenters for celebrating marriages—if his hon. friend would consent to do this, his Bill would be less objectionable than it was in its present form. The hon. and learned Member referred to the preamble of the old Bill, and said, that one Act was already virtually repealed by the Act of Parliament of the 10th of Anne, c. 7, by which Act the episcopal clergy obtained privileges such as these, and he considered they were well entitled to have these privileges. His hon. friend well knew, since it must be known to almost every body, that the Dissenters in Scotland had for a long series of years solemnized marriages without a question having been put to them on the point. Marriages differed in Scotland from what they were in this country, because they were there a civil act, not required to be celebrated by the clergy. He hoped to have seen more of his hon. friends present: and it was a matter of regret with him to see, that besides himself, there were but one or two Scotch Members present whilst a measure of such moment was being discussed. He must express his earnest hope that his hon. friend would withdraw his present Motion, and defer his Bill until the general Bill relating to the marriages of Dissenters in England should be brought forward.

Mr. *Murray* said, that the present Bill was founded on the principle of removing penalties respecting the celebration of marriages from Dissenters in general. He assured his hon. friend, that such was the case; and he was glad to perceive that upon that point they both in reality agreed. He begged his hon. friend not to object to the second reading of the Bill, but to allow it to go into Committee. His hon. friend could then make all the objections he thought fit to portions of the measure; and he begged to assure his hon. friend, that whatever objections, alterations, or amendments, he should be pleased to throw out, when the Bill arrived at that stage, they would receive on his (Mr. Murray's) part, the closest and most marked attention. He did not feel himself in any way called upon to delay the introduction of the present Bill until that relative to the marriages of Dissenters in England should be brought in, for marriages in that country, and in Scotland, stood on so different a footing, that in Scotland they could not at all avail themselves of what might be done in this country on the subject. What was the law in Scotland regulating marriages? Why, any two persons—no matter whether they were nailers, tinkers, or others—might say in the presence of a witness of a similar sort, that they were married, and such a marriage would be valid in the face of the law. He was not asking to introduce a Bill in favour of the Roman Catholics exclusively; but he was asking for something to enable the Roman Catholics to do properly what they could not now do in a country where marriages were contracted so loosely—in a country where persons might write to one another, proposing marriage, and then go to bed; after which, such a mode of matrimony would be considered valid in the eye of the law. He considered that it was the duty of every moral person to remove those practices or laws which in any way tended to lead to difficulties or doubt. But his hon. friend said, that it was not necessary. He begged to call the attention of his hon. friend to what occurred in 1815, at the Judiciary Court of Inverness, respecting a marriage solemnized by a Roman Catholic clergyman. A part of the charge was, that this marriage was, besides, a clandestine one. This point was given up, and the Court held that a marriage solemnized by a Roman Catholic priest, subjected him to punishment and penalties, although the bans had been regularly published. He conceived that, under such circumstances, it was a duty that devolved both on him and his hon. friend, to support the present measure. If his hon. friend would afford him that support, he promised to pay every attention in Committee to any changes his hon. friend might then propose.

Major *Cumming Bruce* must vindicate himself from the charges brought by his hon. friend, the member for St. Andrew's, (Mr. Johnston) against the Scotch Members generally, of being absent from their duty when a measure so important as the present was brought forward. He admitted its importance, and being aware of the interest his constituents felt in every Bill touching their Roman Catholic fellow subjects, he begged to inform his hon. friend, that he was now in his place to attend to it. He agreed in the views taken by his hon. friend of this measure. He concurred fully in his willingness to do away with every penal Statute affecting the Roman Catholics; but he thought the Bill should stop there, and not proceed to enactments, which seemed to place the Roman Catholics on a different and more favoured footing than other Dissenters in Scotland. His hon. friend, the member for Leith, (Mr. Murray) seemed to have misunderstood the ground of the objections stated by the member for St. Andrew's, than whom no one was more averse to penal enactments on account of religious opinions. The hon. member for St. Andrew's, had stated his concurrence in that part of the Bill which went to sweep away all penalties; but he objected to the second principle involved in the Bill, which was a principle of preference of the Roman Catholic over other Dissenters from the Established Church. In all this he fully concurred. He thought that any attempt to show such a preference should be resisted by the House, because its tendency would be to awaken that feeling of religious animosity between Protestant and Roman Catholic, which was so wisely deprecated by several hon. Members in the debate of last night, when the hon. and learned member for Dublin submitted to the House his Motion respecting the oaths taken by the Roman

Catholic Members of that House. This frequent introduction of questions affecting the Roman Catholics, might give countenance to the idea that the great measure of Catholic Emancipation was not intended to be final; and the minds of those conscientious Protestants—and they were very numerous—who had unwittingly acquiesced in that measure, but had acquiesced because such was the will of the Legislature, and because of the assurance that the question would, by its passing, be finally set at rest—would again be thrown into a state of alarm. He would assure the House that this anti-Catholic feeling of Scotland was far from being extinct; and it would, in his view, be the height of imprudence to do anything which might have a tendency to re-awaken it. In the district he had the honour to represent, two very numerous meetings were held in the course of last autumn, to promote the principles of the Reformation, and discountenance the growth of Popery. They were held in the town of Inverness, and were very numerously attended, and by persons of the first respectability. He had been requested to attend them, but had declined, and had even endeavoured to dissuade their promoters from holding them, because he feared their effect might be to re-awaken a spirit of religious animosity. He mentioned the circumstance to show that the anti-Catholic feeling was still prevalent in Scotland. From what had fallen, however, from the hon. member for Leith, he was glad to believe, that the hon. Member was willing in Committee to modify his Bill, so as to render it acceptable to all classes of conscientious Protestants, and, as he concurred in a desire that all penalties should be removed, he should not oppose the second reading.

Mr. *Robert Steuart* said, although there might exist a law prohibiting Protestant dissenting clergymen from celebrating marriages similar to that against Catholic clergymen, there was no instance on record of its having been put in force; on the contrary, all Gentlemen connected with Scotland knew that the episcopal and dissenting clergy were daily in the habit of celebrating marriages among their congregations. He begged to disclaim, for those parts of the country with which he was connected, that illiberal feeling which the hon. member for Inverness stated to exist in the north of Scotland against the late concessions to Catholics. He believed that, so far from such prejudices now being entertained, no vote of his last Session gave greater satisfaction to his constituents than that in favour of removing the civil disabilities now affecting the only persecuted class of his Majesty's subjects. With regard to the Bill before the House, to show the absurdity of the present law, he would beg to put a case. A man and woman might acknowledge a marriage before a Catholic priest and his clerk, and that acknowledgment, duly attested, would be valid in law, but if the priest ventured to bestow a nuptial benediction according to the rites of his Church upon the parties, he would be subject to the penal Statutes which his hon. friend, the member for Leith, sought by the present Bill to repeal. He trusted the House would at once consent to remove so preposterous a state of things as the present Statutes against the Catholic clergy in Scotland.

Mr. *Sinclair* cordially supported the Bill. He thought that the Roman Catholics were peculiarly entitled to this relief, because they were differently circumstanced from other Dissenters in Scotland, who, in common with the members of the Established Church, hold, that marriage is a civil contract, whereas, it is, by the members of the Romish communion, deemed a Sacrament, and requires a religious ceremony for its completion. He was as anxious as his hon. friend, the member for St. Andrew's, to impede the progress of popery by all fair means, but wherever he could gratify the feelings, or show respect to the scruples of his Roman Catholic brethren, without any derogation to Protestant principles, he should deem it a privilege to act towards them in the spirit of courtesy and kindness.

The Bill was read a second time.

Liverpool Freemen Bill.] On the Order of the Day for the House going into Committee on this Bill being read,

Mr. *Hodgson* rose to move the instruction to the Committee of which he had given notice. The first object which he had in view was to inflict punishment not merely on those who had been guilty of receiving bribes, but on those who, in his opinion, and he was sure in the opinion of the House, were still more deserving of punishment—namely, those who had been guilty of giving bribes. His second object was to limit the punishment to those freemen who had been proved before the Committee to have been guilty of taking bribes. His third object was to prevent those who should be disfranchised as freemen from being enabled still, under the cover of another franchise, to vote at the election of Representatives for Liverpool. As great disgust had been justly expressed by hon. Members at the exposure of those who had been guilty of giving the bribes in this instance, those hon. Members, he trusted, would take the opportunity now afforded them for punishing all such persons. With respect to the second object which he had in view, he believed that very few of the guilty amongst the freemen of Liverpool would escape, if they limited the punishment of disfranchisement to those freemen who it had been proved before the Committee had taken bribes. His object, in a great degree, was to render this Bill conformable to one of the leading provisions in the Bill lately introduced by the noble Lord (Lord John Russell) for the prevention of bribery and corruption. The plea in this instance for disfranchising the whole of the freemen of Liverpool was, that the majority of them had been proved to have been guilty of bribery. Now, he could very well understand such a plea if the total disfranchisement of Liverpool was proposed, and if it were, under such circumstances, contended that the majority was so corrupt, that there was no chance of obtaining a pure constituency. In such a case it might be necessary to sacrifice the innocent equally with the guilty; but he would contend that they should not unnecessarily, as was proposed by this Bill, narrow the constituency of Liverpool beyond the disfránchisement of those who had been proved to have been guilty of corruption. There were 840 of the freemen against whom no such charge had been made, and yet this Bill proposed to take their franchise from them. It should be recollected, besides, that numbers had been since admitted to the freedom of that borough, and that upwards of 1,000 freemen, since the existence of corruption in Liverpool had been proved, had exercised their franchise without having had any share in it. He would put it to the justice of the House whether it would disfranchise those 1,000 freemen merely for the sake of establishing an uniform constituency in Liverpool. Another object of his instruction was, to prevent those who should on account of their corruption be disfranchised as freemen from still voting under the cover of another franchise. There would be 550 persons from whom they would take away their franchise as freemen, who would still vote as 10*l.* householders. Would that be doing justice? The hon. Member concluded by moving, "That it be an instruction to the Committee to limit the operation of the Bill to those persons whose guilt had been proved before Committees of that House; and to make provision that all persons who had been proved before such Committees to have been guilty of giving or receiving bribes at the elections of Members of Parliament for the borough of Liverpool, should be rendered incapable of voting at any future election for that borough."

Mr. *Benett* observed, that there was this material difference between the provision contained in Lord John Russell's Bill, and that which the hon. Member now proposed—that the former would have only a prospective operation, while the hon. Member's proposition was open to all the objections to which an *ex post facto* law was liable. He did not want to make his Bill a bill of pains and penalties, as this instruction, if adopted, would render it. The hon. Gentleman had spoken of the franchise as a right. He (Mr. Benett) would never admit it to be such. It was a trust reposed in certain persons, and when they abused it, it was no punishment to take it from them, and to impose it upon others. In fact, by doing so the House released them from a duty which they had proved themselves unfitted to perform. The hon. Member said, that it would be unjust to disfranchise 840 freemen who had not been proved guilty of bribery. He did not believe that the number was so great, but he had to remark that it was proved clearly before the Committee that 2,681 freemen had been guilty of bribery. Now, the principle uniformly acted upon in such cases, in that and in the other House of Parliament, was, when the majority was proved to be corrupt to disfranchise the whole. He had only to add, that if this instruction should be carried, it would defeat the object of the Bill.

Sir *Henry Willoughby* supported the instruction. He thought that the Reform Bill should be looked upon as an amnesty, and that corruption that had occurred previous to its passing should not be made the ground of a legislative measure now, the more especially as the great majority of those freemen had, in the last three elections for Liverpool, exercised their franchise in a pure manner, and as nothing had taken place in the course of those elections upon which any legislative proceeding could be founded. It could not be doubted that hundreds of the freemen of Liverpool had exercised their elective franchise at the election of 1830, without having been in the smallest degree connected with the bribery and corruption which was alleged; and it was a fact equally indisputable that those who had been bribed had, under the Reform Bill, exercised the franchise with the men whose votes had been purely given in an antecedent election. The instruction to the Committee, which had been moved by the hon. member for Newcastle, went to the disfranchisement of individuals who would be a living monument of the justice of the Legislature, and was most decidedly preferable to the sweeping measure for disfranchising those who, it was admitted on all hands, had not been concerned in the transactions of the election in the year 1830. He acquiesced in the opinion expressed by the hon. member for Newcastle, that the course he proposed to pursue was not without precedent, and he would instance the case of Shoreham, when Mr. Fox pressed this course upon the attention of the House, and the names of the disfranchised individuals were actually stated in the Bill. A similar course was the right and proper mode to restore health to the elective franchise in the borough of Liverpool, and, on the contrary, he was persuaded that if the House should choose to disfranchise the whole body of electors by right of freedom, it would engender universal dissatisfaction in the public mind. He hoped the House would not hesitate to accede to the instruction moved by the hon. member for Newcastle, as it afforded the best means of punishing the guilty parties, and of affording a warning to others who might in a similar manner be tempted. On all these grounds, he should support the Motion of instruction to the Committee on the Bill.

Mr. *Aglionby* was of opinion, that although the Special Committee had been justified in finding that bribery and corruption had not prevailed in the borough of Liverpool to so great an extent since the passing of the Reform Bill, still no doubt could exist as to its having formerly prevailed to a very considerable extent. It seemed to him impossible that the House would act with perfect justice if the provisions of the Bill introduced by the hon. member for Wiltshire were limited to the individuals who had been proved guilty of corrupt practices, and did not extend to the freemen generally.

Lord *Sandon* could neither give his assent to the Bill, nor to the instruction which had been moved by the hon. member for Newcastle. The elective franchise was as dear to the poor man as it was to the more wealthy of his fellow-subjects. He stood upon the broad ground of the injustice of the proceeding altogether, and especially after such a purification of the borough as had been brought about by the Reform Act.

Dr. *Nicholl* regretted, that he should differ on the present occasion from the noble Lord, but thinking as he did that the Bill was of undue severity, he should adopt the instruction proposed, as being of a mitigating character, in preference to the whole Bill as it at present stood.

Mr. *Ewart Gladstone* thought the Bill proposed was one of great hardship, and especially when brought forward at such a distance of time since the transactions from which it had arisen. He should support the instructions moved by the hon. member for Newcastle, as the most judicious alternative between the extreme points of opinion which at present prevailed.

The House divided on the Motion—Ayes 14; Noes 106: Majority 92.

List of the AYES.

Campbell, Sir H. P.
Curteis, E. B.
Egerton, W. T.
Fancourt, Major
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Hawkes, T.
Inglis, Sir R.
Jermyn, Earl
Maxwell, H.
Patten, J. W.
Pigot, R.
Willoughby, Sir H.

TELLERS.

Hodgson, J.
Nicholl, J.

PAIRED OFF.

Blackstone, W. S.
Bruce, Lord E.

Question again put.

Lord *George Bentinck:* On former occasions I have objected to the second readings of this Bill, on the ground that its principle is to make one law for the rich and another for the poor. The Amendment, on the contrary, which I shall have the honour to submit to the House, will operate to the disfranchisement of guilty rich men, equally with the disfranchisement of those that are poor. The effect, Sir, of the Bill now before the House is *nominally*, I admit, to disfranchise 3,628 freemen, of whom 1,882 have been proved to have received bribes,—together with 1,800 apprentices, who, being actually enrolled, would, by servitude, be intitled very shortly to their freedom,—thus making altogether 5,428 persons *nominally* to be deprived of rights of which they have either actual or inchoate possession; but, *practically*, as my hon. friend, the member for Wiltshire well knows, of this number the Bill goes to screen 801 freemen of wealth and station, who, in 1832, were registered in the double capacity of freemen and of 10*l.* householders; yet no fewer than 550 of these wealthier freemen have been actually proved, by the undoubted evidence of Mr. Pennington's book, to have been guilty even of grosser bribery than that of their poorer fellow burgesses. In reality, therefore, the proposition of my hon. friend would only *practically* disfranchise 4,627 persons of their rights; though, at the same time, it would embrace in that number not only the 1,800 apprentices, but also 196 freemen who have taken up their freedom subsequent to the period when the bribery complained of is alleged to have taken place, and who are consequently equally unobnoxious with the 1,800 apprentices, even to so much as an accusation of taint or corruption; and, I have further to remind the House, Sir, that of these 4,627 persons to be wholly disfranchised by the Bill, no more than 1,332 are proved to have been guilty of bribery. The object of my Amendment, Sir, is to save the rights of these 1,800 apprentices, and of those 196 freemen, who cannot, by any stretch of imagination, even be charged with corruption, whilst, at the same time, it will not only include in its disfranchisement those 550 wealthy and guilty individuals to whom I have before referred, but it will go also to the disfranchisement of all those persons, who, under the designation of Captains, Lieutenants, and Canvassers, amounting in number to about 168, as nearly as I can estimate them, did the work of corruption at the Election of 1830;—it will also include about forty gentlemen who formed the two adverse Electioneering Committees, making 758 wealthy individuals, who, under favour of the 10*l.* Clause in the Reform Bill, would otherwise be most improperly screened from those consequences, which, in common justice, ought to overtake them equally with the poorer freemen. And here, Sir, I cannot but call the attention of the House to the last paragraph of the Report of the Select Committee, which says, — 'That your 'Committee cannot conclude its Report 'without directing the attention of your 'honourable House to the conduct of 'freemen in a better class of life and in 'good circumstances, who have shown 'fully as much readiness to take bribes 'as the poorest and most destitute of their 'fellow burgesses.' Why, Sir, after this Report, if our object be to prevent and to punish bribery, is it common sense or common justice to protect and to screen "those freemen in the better class of life and in good circumstances" who have shown the most readiness to take bribes, whilst we pursue with relentless vengeance the poorest and most destitute only, who have displayed rather less eagerness than their more wealthy fellow-burgesses to commit the crime we are about to punish? But I wont rest my case alone upon the Report of the Committee, but I beg to call the attention of the House to the manner in which that Report is justified by the evidence upon which it was founded. I will first quote that of Mr. Joseph Myers, who was the electioneering agent of Mr. Ewart.—This gentleman states in his evidence, that no less than 34,000*l.* passed through his hands in payments chiefly as bribes to voters during the canvass and election of 1830. Being asked to name the description of persons who took bribes at that election, and the usual amount of them, he tells the Committee that the highest price he paid for a vote was 50*l.* to a gentleman of the name of Orme, a retired brewer. He next speaks of a person named Wynn, a Captain in the Militia, who received either 30*l.* or 35*l.*, he did not exactly recollect which. Thirdly, he narrates the case of a Mr. Miller, whom he represents as a "*very respectable gentleman*," worth, he should suppose, 8,000*l.* or 10,000*l.*, who nevertheless sold his vote for 12*l.* !!! In reference to this evidence, Mr. Myers is asked by the Committee this question: "Did persons of that description of respectability get the highest sum, or did the lowest class?" Mr. Myers' remarkable answer was, "I think the *middling class got the best because they kept off*, as far as I can speak." That there might be no mistake in the matter, he was then asked the further question, "Then, in fact, according to your statement, there was more corruption in the middle and better classes than in the lower class?" His answer was, "I should be of that opinion;—that, there was quite as much, certainly." Now, Sir, are we really to consent to the Bill of my hon. friend, the member for Wiltshire, which spares the retired brewer, Mr. Orme; which protects Captain Wynn, of the militia; which saves that other "*very respectable gentleman,*" Mr. Miller, worth 8,000*l*, or 10,000*l*.; and which screens the middle and better class, "who got the best sums because they kept off," whilst we confine our punishment to the poorer class, who are thus proved, of the two, to have been the least corrupt? Another gentleman, most competent to speak upon the subject, (Mr. Pennington) was asked, "Amongst what class of persons was the corruption the greatest,—amongst the freemen or the shopkeepers and persons in the better stations of life? To which his answer was;—"I should think it prevailed certainly among persons in the better stations of life to a very considerable extent." There is abundance of other evidence throughout the Report which puts it beyond a doubt, that the wealthier classes were more corrupt than the poorer; and when I have called the attention of the House to the evidence of Mr. John Atkinson, one of the canvassers at this election, I am sure it will never consent to punish the poor and spare the wealthy. Every Gentleman who has read the evidence will recollect, that Mr. John Atkinson says, that he called upon a poor freeman, of the name of Thomas Sefton. This man had promised to vote for the opposite party, but had not actually voted; as a matter of course, it became Mr. Atkinson's duty, as a canvasser, to endeavour, by means of bribery, to seduce this man over to the side of his own party; Sefton refused to listen to any such proposal. Mr. Atkinson then offered him a bribe of 50*l*.; Sefton still refused to take it;—and it was not till, as Mr. Atkinson himself says, "he had put him out of his way and worked upon his feelings," that he could be prevailed with to break his former promise in consideration of this proffered bribe of 50*l*. And how does Mr. Atkinson tell the Committee that he did work upon this poor freeman's feelings? Why, he got the man's wife to interfere, and it was only when she cried out to her husband, "Oh Thomas, look at my poor children," that he could be induced to take the 50*l*. for his vote. Mr. Atkinson is then asked, if the man after this went willingly to vote? His reply was, "that he was *terribly distressed in mind*, so much so that he thought he would have fainted in his way to the hustings!!!" Is there, then, I ask, Sir, any comparison between the immorality of this poor man, and that of Mr. John Atkinson? And here I beg leave to remind the House, that when Mr. Atkinson is asked whether or not he lives in a 10*l*. house, his reply is, that his house is worth a great deal more;—he tells you too, by the way, that his father lives in a house worth above 50*l*., and yet he tells you also that he bribed his own father with a sum of 10*l*.; upon which he makes no other observation beyond "that his father, like other men, was fond of money." Where, then, is the justice of the Bill brought in by my hon. friend, when it screens this Mr. John Atkinson and his father in the enjoyment of all their rights and privileges, whilst it sacrifices these miserable victims of Mr. Atkinson's corruption? And let the House not fail to mark, that Mr. John Atkinson informs the Committee that, bad as he was, "*He was only one of a hundred*," or, in other words, that there were a hundred canvassers who all did as he did; yet all these are to escape, whilst the poor are to be punished. Sir, I have no wish to screen a single one of these poor freemen who can, by possibility, have gone astray. Let all be visited alike with the just resentment of this House, be they ever so poor or ever so rich, if they have done amiss. But, if we condescend to pry for corruption under the blue jacket of the common sailor and the smock frock of the day-labourer, let us not shrink from looking for it also under the broad cloth of the merchant, or even the magisterial robes of the ex-Mayors and Aldermen of Liverpool. And, sorry I am to say, Sir, that we find many who have been the first Magistrates of that town have been the foremost in instigating the inhabitants of Liverpool to acts of bribery and corruption; and, if they have done equal wrong, I would place the gentlemen, the merchants, and even the Magistrates of that borough, side by side at the bar of justice with the common sailors and the poorest artisans; and, if I brand one with disgrace, so will I put on the other also the stamp of corruption. The effect of the instruction I propose to place in your hands, Sir, will be to catch those 550 freemen, consisting of the wealthy merchants, gentlemen, and shopkeepers of Liverpool, who are clearly proved by Mr. Pennington's list, to have accepted bribes in 1830. In addition to these, I shall catch the captains, the lieutenants, and canvassers, to the amount of 168, who were the bribers; and these, together with the forty gentlemen composing the two Committees on the adverse sides, will raise the number of freemen guilty either of bribing or of being bribed whom I should catch, but who are represented by the evidence before the Committee as persons who under my hon. friend's Bill would still retain their franchise as 10*l.* householders. Equally with my hon. friend's Bill the amendment will disfranchise the 1332 poor freemen who have been proved guilty of bribery making altogether 2,090 persons of those bribing or bribed in 1830 from whom I would take now and for ever the right of voting for Members of Parliament. I spare on the other hand, 196 persons who have received their freedom subsequently to the period when this bribery and corruption is alleged to have taken place. I spare also the vested and inchoate rights of those 1,800 apprentices actually enrolled. Every one of these rights (in all 1,996) I spare, and their possessors are men whom no one can accuse of having abused the elective franchise, for that best of all reasons that they had not then the power to exercise it. The whole result will be this, that whilst the Bill before the House disfranchises existing and inchoate rights to the number of 4,627, the clause I mean to propose (in substitution for that in the Bill) will disfranchise only 3,432 rights, being a less disfranchisement by 1,195 than that of the Bill;—whilst on the other side I allow no single culprit to escape me.

Before I put this Motion into your hands, Sir, I must request the attention of the House for a single moment to the preamble of the Bill as connected with the enacting Clause. The preamble of the Bill sets forth that, 'Whereas gross 'and notorious bribery and corruption 'has been proved to have long prevailed 'among the freemen of Liverpool at elections of Members to serve in Parliament 'for that Borough, it is therefore right 'and expedient that the *said freemen* 'should not vote or be entitled to vote at 'such elections. Be it enacted there'fore.'—Sir, nothing could state better in point of principle than this, and one would have naturally concluded that the Bill would have proceeded to enact that none of those *said* persons so proved to have been guilty of gross bribery and corruption should vote or be entitled to vote hereafter at elections for Members of Parliament for the Borough of Liverpool;—but quite the contrary, Sir, the enacting Clause of this extraordinary Bill provides (as I have already shown) that a very large portion of those "*said corrupt freemen*" shall have their votes secured to them though under a different title, whilst those who formed no part of the "*said corrupt freemen*" are actually disfranchised!!! Why, Sir, the reasoning of the Bill seems to be this;—that because certain corrupt freemen referred to *ought not* to be entitled to vote, they *shall be* entitled to vote;—whilst in their stead 1,996 innocent persons who form no part of those *said* corrupt freemen and who *ought* to be entitled to vote shall *not* be entitled to vote!! I hope I have said enough to induce the House to consider well before it adopts the Bill in the shape in which it now stands. I am satisfied that if it goes forth to the country that this House is prepared to enact laws of harshness and severity when it has to deal with the misdemeanours of the poor, and laws of tender regard and indulgence, when it has to deal with the same crimes in the rich, the people of England will lose all respect and confidence in our proceedings and regard our measures as measures of tyranny;—for depend upon it, tyranny is not one whit the less oppressive, because it is exercised by numbers instead of being wielded by the hand of a single despot. I beg to move, Sir, that it be an instruction to the Committee to omit the enacting Clause as it now stands, and to substitute this Clause—'That no person who shall have 'become a burgess or freeman of the said 'Borough of Liverpool prior to the 1st of 'December, 1830, shall either as such 'burgess or freeman or in right of any 'other franchise whatever, vote or be en'titled to vote in the election of a Mem'ber or Members to serve in the present

‘ or any future Parliament for the said ‘ Borough.’

Mr. *Hodgson* did not think the noble Lord's instruction was exactly like that which he had moved, and he could not support it. He could not consent to a proposal which would augment the punishment of the innocent.

Mr. *John O'Connell* expressed his conviction that to press the clause would endanger the Bill.

Mr. *Benett* suggested, that if the noble Lord wished to punish John Atkinson, it would be competent for him to bring in a Bill for that purpose. He hoped, however, that if the noble Lord did take this step, he would not stop at Mr. John Atkinson, but go higher, and not stop till he found out where the money came from. This measure would take the poor freemen out of the way of temptation.

Mr. *Ewart Gladstone* agreed with the noble Lord, that there should not be one law for the rich and another for the poor, and yet some hard cases would occur under the instruction moved by the noble Lord. There was one fact stated, amid the corruption of the Liverpool election, in the conduct of Mr. Yates, which, in a great measure, redeemed the open bribery. That gentleman thought it his duty, in the face of the people and the candidates, to state that, where such open and unblushing corruption was practised, he should not vote on either side. It would be hard on him, and others similarly circumstanced, to be excluded from the franchise. The instruction of the noble Lord would not deal equally with the poor and with the rich. It dealt more severely with the latter, as it precluded the right of franchise which they might otherwise hereafter acquire—an acquisition which, it was well known, the poor man could not contemplate; and thus the penal portion of the instruction would, in one way, be incapable of affecting him.

Lord *Sandon* was understood to say, that no proof of bribery against 850 of the freemen had been substantiated, and yet the House cheered at the prospect of punishing these innocent men.

Mr. *Wason* maintained, that there was no evidence before the House to show these 850 persons had not been bribed.

Lord *Sandon* said, that as this was a question of fact, he would leave it to the House to decide, from experience, which of the two, the hon. Member or himself, was most likely to be cautious in making assertions on the subject?

Mr. *Wason* would ask the noble Lord either to point out that page of the Report which bore out his statements, or he would tell him, that his insinuation was what no honourable man would have given utterance to.

The *Speaker:* I am quite sure, that the hon. Member did not mean to express what his language would imply, and he must explain to the House what he meant by the employment of those phrases.

Mr. *Wason:* I throw myself on the House. The noble Lord insinuated, that I was not as worthy of belief as the noble Lord. That insinuation, Sir, in deference to you as Chairman, though I may differ with you individually, in this House I treat lightly, but out of this House the noble Lord knows how I would treat it.

The *Speaker:* The hon. Member speaks Parliamentarily, when he says, that the deference he pays is not to me but to the Chair. The interference I venture on on this occasion is a part of my duty as speaking in the name of the House. I now call on the hon. Member to explain language which is certainly most unparliamentary, and to say what he meant by the ambiguous sort of threat he threw out, which the hon. Member knows is never suffered in this House to pass without notice.

Mr. *Wason.*—Sir, I did not say that I objected to you personally, but not to the Chair. I never made that statement, and I am sure, Sir, that you must have attributed such a statement to me unwillingly.

The *Speaker.*—The hon. Member must go further. He must explain to the House what he did say, and what he meant by the ambiguous threat he threw out.

Mr. *Wason.*—That was not the point which I——[“ *Order, order,*” “ *Chair, chair.*”] The hon. member for Northampton may, in that cheer, call “ Chair, chair,” if he pleases. What am I to do? I was about to repeat the words I used before, and the hon. Member calls out, “ Chair, chair.” The words I used were these—that if the noble Lord meant to insinuate that my statement were not as worthy of belief as his own, no honourable man would have been guilty of such an insinuation; and, I think, that in saying this, I use as mild an expression as can be employed to throw back the insinuation.

The *Speaker.*—That is not the question.

I called on the hon. Member to explain, and I am sure he will respond to the call. He knows what that call means, and if he does not answer it, I must then name him to the House, and he knows what the consequences of my naming will be. The hon. Member says he throws himself on the House. It is from no personal feeling that I interfere. The hon. Member undertakes to put an interpretation on the language of another in stating himself convinced that an insinuation against his honour was intended. That has been contradicted. [*"No, no," and cries of "Order," while Mr. Wason made a movement as if intending to rise.*] I am glad to see the hon. Member prepared to rise, which he was not before. I heard the noble Lord express the negative. The hon. Member, however, has repeated the same injurious terms which he used before, and concluded by expressing an ambiguous threat. On both these points I call on him to say what he did mean.

Mr. *Wason.*—I think I now understand the position in which I am placed, which I did not before, for I did not hear the denial of the noble Lord. If the noble Lord will rise in his place and say, as a gentleman, in the face of this House, that he did not mean to convey any such insinuation as I had inferred from his language, I shall readily apologize for anything I have said.

Lord *Sandon* said, as he was appealed to, he would repeat what he had said. He said that he would leave it to the House, from experience, to judge which was, he or the hon. Member, the more likely to be cautious in his assertions. He was alluding to a former assertion of the hon. Member respecting the Mayor and Town Clerk of Liverpool, and when he (Lord Sandon) denied the correctness of those remarks, and the hon. Member maintained them, he (Lord Sandon) said, that the assertions were not so cautious as to induce the House to believe the hon. Member before him (Lord Sandon). He meant to cast no imputation on the hon. Member's honour.

Mr. *Wason* said, so careful was he not to insinuate anything against the Mayor and Corporation of Liverpool on the occasion referred to, that he actually read his statements from the printed evidence, and had tired the House with the documents. But the noble Lord had not yet given the explanation which he ought. Let him give his word as a gentleman that he intended no offensive insinuation.

Mr. *Bulwer:* The noble Lord said that the interpretation should not be put upon his words which the hon. member, for Ipswich put on them; he hoped that would be satisfactory.

Mr. *Wason:* If the noble Lord said he did not mean to insult him, then he would tender an apology.

Lord George Bentinck's Motion was negatived, and the House went into Committee. The clauses of the Bill were read and agreed to, and the House resumed.

LEAMINGTON PETITION — ALLEGED BREACH OF PRIVILEGE.] Mr. *Tancred* in moving "that Counsel or Agents be admitted to be heard before the Committee on the Leamington petition in support of the petition presented by certain inhabitants of Leamington Spa, on the 11th instant," wished briefly to state the circumstances out of which the motion arose. A petition had been presented some time ago from a numerous body of persons, representing themselves as inhabitant rate-payers of Leamington Spa, in favour of having the elective franchise of Warwick extended to that town. Many of the signatures to that petition had been impugned as forgeries. Some of the parties who had signed that petition had presented another yesterday, alleging that the former was genuine, and offering to prove that fact. What he had now to move was, that these parties be heard by their counsel or agents before that Committee in support of their petition.

The Speaker, in putting the Motion, put it in the usual form—"that the parties be heard by their counsel or agents so far as their interests were concerned."

Mr. *Tancred* said, that the object of the petitioners was to have an opportunity of proving that the whole of the signatures to the first petition were genuine.

The *Speaker* expressed a doubt as to how far the petitioners could, according to the forms of the House, be allowed to appear by counsel or agents before the Committee in any other character than that of merely advocating their own interests.

Mr. *Tancred* repeated his former remark, adding that justice to the parties who signed the former, as well as the present petition, would not be done, unless they were allowed to prove that the allegations against them were unfounded.

The *Speaker* remarked, that the whole case was one of the most extraordinary which had come before Parliament within his recollection. When the former petition was presented, it was stated by the hon. and learned member for Dover (Mr. Halcombe) that the petition was a fraud upon the House, that it contained the names of parties alleged to be residents in Leamington, who had no existence there, and that the names of others who were resident had been put to it without their knowledge or consent. A Committee had subsequently been appointed to inquire respecting that petition; but it seemed to him that great difficulty would be to be encountered in going into the case of every party who signed the petition.

Mr. *Tancred* said, that the petitioners whose petition had been presented on the 11th offered, if allowed, to prove that the whole of the signatures to the former petition were genuine.

The *Speaker* said, that that would no doubt relieve the House from some part of the difficulty, but not from the whole. Every turn which the case took presented a new and singular feature. Supposing that these petitioners could give the evidence they stated, still it was doubtful whether they could be allowed to be heard before the Committee, merely as *amici curiæ*, and beyond their own interests.

Mr. *Abercromby* said, that his attention had been called to this subject in an unexpected manner. He had found by the votes that his name, in his absence, had been placed on the Committee to inquire respecting the first petition from Leamington, in which it was alleged that a fraud had been practised on the House. He attended the Committee, and inquired for the parties who made the charge, and who were to adduce the evidence in its support. He was answered by the Chairman of the Committee (Mr. Halcombe) that he it was who made the charge, and he would call evidence to prove it. He had understood, that the charge had rested on something to be brought forward by some parties who had petitioned to be allowed to prove the alleged fraud; but he found that that was not the case, and that the hon. member for Dover was the only party appearing to conduct the prosecution of the affair. Now, as to the Motion for the appointment of counsel to be heard on the part of the petitioners, and who would probably claim to be heard on matters not connected with the immediate interests of the parties for whom they appeared, he agreed that that would be only to increase the difficulty; but he felt that if the Committee were to proceed with the inquiry, it would be impossible that they could do so unless they were assisted by agents whose local knowledge made them familiar with facts and circumstances as to the alleged signatures, with which the members of the Committee could not be supposed to be acquainted. He fully admitted that the House was placed in a difficulty by the appointment of the Committee, which if it were to go fully into the allegations made, must consume a great deal of time, and involve a very considerable expense. It would, however, be for the House to consider whether the present was a course in which they ought to proceed.

The *Speaker* would remind the House of the circumstances under which the Committee had been appointed. When the hon. member for Dover first mentioned the subject as a breach of privilege, he applied to him (the Speaker) to know whether it were not a case which ought to take precedence of all other business. He informed the hon. Member that it was one of those cases into which the House would inquire if brought before it; but the question was put, whether or not there had been any petition presented complaining of this alleged breach of privilege, and the answer of the hon. member for Dover was in the affirmative. It was then, of course, the impression of the House that such a petition was before it, but on further inquiry it turned out that no such petition had been presented. This fact of course created a great difficulty as regarded the course which should be taken in the proposed inquiry. As to the appointment of counsel, the right hon. Gentleman repeated the difficulty which would occur in admitting them to act for parties as *amici curiæ*.

Mr. *Abercromby* remarked, that another difficulty in the case arose from the fact that the claim of the petitioners now before the House did not rest on any petition which impugned their former petition, but on the speech of a Member of that House in his place. How the House could proceed in a matter which was in effect a claim to be heard in reply to a speech within its own walls he would not decide; but it certainly placed the Committee in a new situation, and one which added in no slight degree to the embarrassment as to the mode of conducting its inquiries.

The *Speaker* here suggested, that probably the better course would be, to adjourn the debate on this Motion until the meeting of this House the next day, when they might have an opportunity of reconsidering the original proposition.

Mr. *Spring Rice* thought the suggestion was one which the House ought to adopt, for if it should appear that the groundwork of the appointment of the Committee had failed, they might then consider the propriety of rescinding the original Motion.

Mr. *Aglionby* asked whether the House could retrace its steps in the appointment of the Committee, if it should be found that that appointment had taken place under a misconception as to the presentation of a petition, which petition, in fact, had no existence?

The *Speaker* hoped that hon. Members would not retire under the notion, that he had stated that this Committee had been appointed under the misrepresentation that a petition on the subject had been presented; for undoubtedly the House had a right to appoint the Committee even though no petition complaining of a breach of privilege had been presented. He had felt it his duty to put the House in possession of the fact, that when the hon. Member complained in his place of a breach of privilege, the question was asked whether that complaint rested on any petition presented to the House stating the fact, and the answer of the hon. member for Dover, was in the affirmative. It appeared, however, on inquiry, that in that answer the hon. member for Dover was mistaken.

The further debate on the subject was adjourned till the next day.

HOUSE OF LORDS,

Thursday, March 13, 1834.

Minutes.] Bills. Read a first time:—Borough of Warwick.—Read a second time:—North American Postage.

Petitions presented. By the Duke of Richmond, from Doncaster, to have the Accounts of Trustees of Turnpike Roads made Public.—By Viscount Melbourne, and another Noble Lord, from two Places,—against the present System of Church Patronage (Scotland).—By Lord Lyttleton, from Sedgeley, against the Sale of Beer Act.—By the Bishops of London and Rochester, and Lord Dundas, from several Places,—for the Better Observance of the Sabbath.—By Lords Bexley, Poltimore, Dacre, Lyttleton, and Dundas, from a Number of Dissenting Congregations,—praying for Relief.

College of Physicians.] The Earl of *Durham* wished to call the attention of the House to a Petition of which he had given notice, and which he conceived to be well deserving of their Lordships' serious consideration. It was a Petition from the Physicians practising in London under the title of Licentiates. As he should move, that the Petition be read at length, he should only state in general that it complained of the bye laws of the College of Physicians, which excluded Licentiates from their share in the government of the College, in the emoluments of it, and in the privileges attached to it, and prayed for a general inquiry into, and remedy of, the existing bad state of the law relating to the medical profession. He had also a Petition from the practising Surgeons and Apothecaries of the Metropolis on a similar subject, which he should present on a future occasion. The Petition he now held in his hand was signed by seventy-six Licentiate Physicians, being more than one-half of those who practised in London. In the College-list of 1832, there were 126 Fellows of the College and 272 Licentiates. Of those, sixty-five Fellows and 138 Licentiates were in London. These together made up a number of 203, and out of that number 180 only practised in London and within seven miles round it, in which the population amounted to 1,500,000 persons. With a view of forming some opinion on the subject, it would be curious to know the proportion of Physicians in Berlin and Paris, as compared to the population of those cities, and then to see whether the opinion was borne out, that the effect of the bye laws of the College of Physicians was to prevent London from enjoying a sufficient supply of medical men of the first rank and class. The propositions were these:—In Berlin, where there was a population of 249,000, there were 228 Physicians. In Paris, where the population amounted to 935,000, there were 925 Physicians; while, in London, where the population was 1,500,000, there were only 180 practising Physicians. Again, in Berlin there were 174 surgeons and apothecaries; in Paris there were 159; and in London 2,000. It was not now a question whether there were too many surgeons and apothecaries, but whether the demand of the people for medical aid of the first order was fully complied with, and whether the bye laws of the College of Physicians did not compel the people to have recourse to an inferior grade of practitioners. There were throughout the rest of the country 150 Physicians who were members of the College; and twenty-five Licentiates for the whole of England and Wales. The complaints against the laws now regulating the medical profession were, that no person could practise in London unless he had passed an examination at the College, and that no person could pass an examination there unless he had graduated at Oxford or Cambridge, where the medical schools were of an inferior kind; that the College did not possess the power of protecting those whom it licensed, for that its Statutes were not penal; that any person whatever might practise as a surgeon; that with respect to that branch of the profession, there was required an Act similar to that passed in 1815, with regard to apothecaries, in which branch great improvements had taken place since the passing of the Act in question. The petition went on to state, that the Charter was granted in the tenth year of the reign of Henry 8th.; that the restrictions imposed on that Charter were proper enough at the time it was granted, but that the bye laws which had since been made were of such a nature, that the original intention and object of the Charter were evaded. The result of these bye laws he believed to be, that the bulk of the medical men of the highest skill and attainments had been excluded from those advantages and privileges, the enjoyment of which was unjustly confined to a very small number. In consequence of this exclusion, dissensions had arisen in the medical profession, and the people were deprived of enjoying all the benefit that the advanced state of medical science ought to be able to confer upon them. In the 300 years during which the Charter had been in existence, the College of Physicians had only published eighteen volumes of their transactions, while on the Continent the Medical and Chirurgical bodies answering to our College of Physicians, had, during the last thirty years, published eighty volumes of transactions. It was only on public grounds that he had brought this subject under the consideration of their Lordships, for in private he knew and esteemed some of the members of the College of Physicians, in whose hands these bye laws placed the enjoyment of what he conceived to be unjust and improper privileges. He thought there ought to be a less restricted right of admission to all the privileges of the College, and a power of exercising a superintendence over its management, and that there should be added to the list of its privileged members a sufficient supply of the best and purest names of the profession. He moved that the Petition be brought up and read.

The Petition having been read,

Viscount *Melbourne*, without giving any opinion on this subject, owed it to the medical body at large to say, that he was satisfied that a general inquiry into the laws of the medical profession was highly expedient, and that considerable advantages might be expected from it. He did not, however, see that there was any actual necessity for their Lordships to enter into such an inquiry, since a Committee had been appointed in the House of Commons to take the whole matter into consideration. If, however, his noble friend was desirous of embarking in an inquiry of the same kind, and would himself undertake the task of conducting it, he should offer a Motion for appointing a Committee, no opposition.

The Earl of *Durham* did not know whether the medical body would or would not be satisfied with the inquiry established by the House of Commons. When they came to him to ask him to present this petition, he stated the fact of the appointment of a Committee in the House of Commons, but they did not on that account withdraw their petition to the House of Lords, but desired that their case should be brought under the consideration of their Lordships' House.

Lord *Ellenborough* had no objection whatever to the appointment of a Committee, but, from the statement made by the noble Lord opposite, it appeared to him that this grievance was rather of an individual, than of a public nature; but he must, in justice to the medical profession of this metropolis, say, that whether chiefly composed of men of the higher or the inferior classes of the profession, they appeared to be more successful in their treatment of diseases than the medical professors of the cities with which they had been compared, for the average mortality in London was much smaller than in either Berlin or Paris. The average mortality in London was supposed to be one in forty; in Paris it was one in thirty-two, and in Berlin one in thirty-five.

The Earl of *Durham* observed, that if the argument of the noble Lord was pushed to its full extent, the whole of the medical profession ought to be composed of apothecaries.

Lord *Ellenborough* was happy to say that he was not competent, from his own experience, to form an opinion on the subject, as he had never consulted a Physician in his life.

The Petition was laid on the Table.

HOUSE OF COMMONS,

Thursday, March 13, 1834.

Minutes.] New Writ ordered. On the Motion of Mr. Frankland Lewis, for the Borough of Thirsk, in the room of Sir R. Frankland, who has accepted the Chiltern Hundreds.

Petitions presented. By Sir Richard Vyvian, from Derby, against any Measures likely to weaken the Efficiency of the Established Church.—By Sir Henry Hardinge, from Launceston, for Relief from Taxation; and by Mr. Beilby Thomson, from Bridlington, to the same effect.—By Sir John Johnstone, from the Medical Practitioners of Scarborough, holding Edinburgh Diplomas, for the Repeal of the Apothecaries Act.—By Mr. Wilbraham, Guest, Wynn, and Alderman Wood, from the Dissenters of several Places,—for Relief.—By Sir Henry Parnell and Mr. Murray, from Dundee and Leith,—for the Repeal of the Reciprocity of Duties Act.—By Mr. O'Dwyer, from four Places, against Tithes; and for the Repeal of the Union.—By Mr. Curteis, from two Places, for the Abolition of Slavery.—By Mr. Talbot, from Glamorganshire, against any Alteration in the Corn Laws; and from the Shipowners of Sunderland, for a Continuance of the Protecting Duty on the Exportation of Coal.—By Mr. Briscoe, from several Parishes, for the Repeal of the House and Window Taxes.—By Mr. Gillon, from Falkirk, for the Repeal of the Duty on Baltic Timber; and from Fruchie, for the Exclusion of the Bishops from the House of Lords.—By Mr. A. Johnston, from several Places, against the Tithes on Fish levied at Leith and Newhaven.—By Sir H. Parnell, from the Carters of Dundee, for the Repeal of the Tax on Horses.—By Mr. S. Lefevre, from the Coroners of Southampton, for an Augmentation of their Fees.—By Mr. O'Dwyer, from Drogheda, for an Inquiry into the State of the Corporation of that Town.—By Mr. Curteis, from a Number of Places, against Tithes.—By Colonel Leith Hay, Sir H. Parnell, and Messrs. C. Fergusson, Gillon, and A. Johnston, from a Number of Places,—for the Abolition of Lay Patronage in Scotland.—By Sir Oswald Mosley, and Messrs. H. Hughes, and Pendarves, from several Places,—for the Better Observance of the Lord's Day.—By Sir Charles Blunt, Colonel Edwards, Sir Oswald Mosley, Sir T. Freemantle, Sir H. Verney, and Messrs. Pendarves, Greene, Baines, Grote, H. Curteis, Duffield, Potter, Briscoe, Forster, Tynte, Thicknesse, Hardy, Talbot, C. Buller, and Sir George Staunton, from a Number of Congregations of Dissenters,—for Relief.

Metropolitan Police.] Mr. *Clay* presented a Petition from the parish of St. George, in the county of Middlesex, complaining of the institution of the metropolitan police, as being at variance with the principles of the British constitution. He did not think it right at present to enter into any discussion of the merits of this force. This petition, as well as other circumstances, showed that great dislike for the force prevailed throughout a considerable portion of the metropolis. He believed, however, that there were many parishes in the metropolis where this feeling did not exist to the same extent. It was his own opinion that, with proper regulations, the force might be made a valuable institution, and it had very great advantage over the old watch system, in possessing the power of acting with combined strength. Nothing was more necessary than that a force established for purposes such as these, should have the goodwill, confidence, and support of the community amongst whom they were placed, and for whose benefit and protection they were established. The efficiency of such an establishment must depend in a great measure upon its possessing the confidence of the public.

Sir *Samuel Whalley* thought it very desirable that the Government should turn its attention to diminish the expense of the metropolitan police. It was an efficient force, and he believed, that the principal cause of the dislike entertained towards it in the metropolis, was the great increase of the parochial expenses since its institution. He was glad to see the noble Lord, the Under Secretary for the Home Department in his place, as he might have an opportunity of removing an apprehension which was very generally felt abroad, that the Committee which had been appointed this Session, to inquire into the constitution, management, and expenditure of the police, was not fairly formed. Neither of the members for Westminster was upon that Committee. Nor was he, although he represented two of the most populous parishes in the metropolis. His learned colleague, indeed, had been put upon the Committee, but that Gentleman had not half the leisure to devote to the inquiry that he had.

Viscount *Howick* denied, that there was anything unfair in the manner in which the Committee had been appointed. Last Session a Committee had been named, to which not the slightest objection had been made. The Committee had proceeded to investigate, but were unable to bring their labours to a close; and, in pursuance of the recommendation of that Committee, another had been appointed, and he (Lord Howick) had copied the list of last Session, merely substituting for the names of three or four Gentlemen, who were unable to attend, the names of other persons, who, he had reason to believe, would attend. He thought, therefore, that the assertion of the hon. member for Marylebone, relative to the appointment of that Committee, was unfair and uncalled for. The statement made by the same hon. Member, with respect to the expense of the police force, he must also say, was a little premature, as he could assure the House that that establishment had been managed with the greatest economy. Any person who looked to the services rendered by that body, would at once admit that the money it cost had not been thrown away.

Colonel *Evans* did not think the explanation of the noble Lord very satisfactory; but he was bound to thank the noble Lord for not having taken up his time, by putting him upon the Committee. He should not be the less acceptable to his constituents, and especially to the popular party, for not having been appointed by the Government upon a single Committee. There was a Committee last year upon East-Indian affairs, and he was excluded from it, although, there was but one other military man who knew as much of India as he (Colonel Evans) knew. Again, there was a Committee upon the military establishments, and from that also, the Ministers did him the honour to exclude him, though that could not be on account of his want of experience. He had, therefore, to thank the noble Lord for giving him that opportunity of showing that there could be but little reason for the supposition, which he had understood was beginning to prevail, that he was about to ally himself to the Government. But, still he thought that it was, to say the least of it, indiscreet to exclude the metropolitan Members from an inquiry in which the metropolis was so much concerned. However, for his own part, he could only thank the noble Lord for having spared him a duty, to which, if it had devolved upon him, he would have given his best attention. He entirely concurred in what had been said by the hon. member for the Tower Hamlets, and he knew, that throughout the whole of the metropolis, there was a feeling towards the police, similar to that expressed by the petitioners. That feeling was not political—and, it was admitted, that the police was an efficient force. But a great jealousy was felt, that so large a military body, uniting, too, a system of espionage with their military character, should be under an irresponsible control, and at the disposal of the Minister for the time. The expense, too, was a great matter of objection. He did not know what was the object of the Committee. He believed that it had been appointed before he and the hon. member for Marylebone had been returned—but he thought that they ought to have been added to it since. He did not know what was its object; but, he knew that it was the practice of Government, when it wanted to be proved that a strong feeling abroad was unfounded, to form a Committee of persons favourable to the views of the Government. But, from what he had seen of the noble Lord's (Lord Howick's) political conduct, he believed that, if the noble Lord gave his attention to the subject, he would make considerable improvements in the system. He did not believe that any desire was felt to return to the old system of the watch, but to place the police under some local control.

Sir *Robert Peel* reminded the House that the Committee had been appointed at the suggestion of the hon. member for Middlesex; and, as to its composition, he was sure, there could be no objection to placing upon it either of the hon. Members, or any other hon. Member who expressed a desire to be upon it. But he hoped the House would suspend its judgment, both upon the expense and the administration of the metropolitan police, till the Report of the Committee was made. It was denounced as an expensive force; but the term "expensive" was relative, and, in order to find out its value in the present case, they must first inquire whether the number of the men employed was greater than was necessary to preserve the peace of the metropolis. They must next ascertain whether their dress was too expensive, or the pay higher than it ought to be; or whether it was made a source of patronage, which he was sure it was not, the object being to secure as efficient persons as possible. If it should be found upon inquiry, that efficient men could be secured for less pay, he was sure there could be no desire on the part of the Committee to maintain it at its present amount. At the same time, he must observe, that it was exceedingly desirable that the pay should be such as to preserve them from the necessity of enlisting only scamps into the service. The police ought to be men of respectability, for they were intrusted with the discharge of a very great and most important duty, and were often called upon to exercise considerable discretion. It was essential, he thought, that the Government should be responsible for the direction of the police, which it could not be, if the parochial authorities were permitted to interfere with it. Indeed, if that took place, all the responsibility would be destroyed, for the Commissioners could not be responsible, the Government could not be responsible, nor in times of commotion or turbulence would it be possible to make a number of separate and distinct parochial authorities responsible for not acting together with uniformity of purpose and object. Considering, at the same time, that his Majesty's Government defrayed a portion, and that not a small one, of this force, it was not unreasonable for it, on that score, to claim the control which it possessed. He would, however, suggest to the noble Lord, to place upon the Committee any Gentleman who expressed a desire to that effect, of course not allowing those who had peculiar views to obtain an unjust preponderance.

Major *Beauclerk* said, the petitioners did not complain of the efficiency of the police force; they objected to the expense, and they called upon Government to look into this expense. He thought that this was a most reasonable request. They said too, that it ought not to be under the control of the Home-Office, and in that he fully concurred. He contended that it was a most dangerous principle to allow the force to be under the control of the Home Department. He admitted, that, under the right hon. Gentleman's administration, or even under the present Government, it might not be dangerous to allow such a force to be under the control of the Home-Office, but the time might come when it would be most dangerous to allow the Home-Office to have any such powerful control whatever over the metropolitan police. He believed, that a Central Board chosen from all the parishes would be the better course to adopt, giving it full power over the men; and he was sure, that greater attention would be paid to the expense arising out of the maintenance of this force, by a Board consisting of individuals selected from the various parishes, than by the Government. He did not, nor did the petitioners, say that these men were too well paid. On the contrary, he believed that many bad men obtained an entrance into the force in consequence of the pay not being sufficient to induce men of good character to accept situations in it. But he complained, that there were too many men belonging to the police, and the number could be lessened, without the efficiency of the force being in the slightest degree impaired.

Mr. *Cayley* said, that 60,000*l.* had been voted last year for the maintenance of a force which was created for purely local purposes. He thought that the country at large ought not to be saddled with a tax from which it derived no benefit. He did not mean to deny the utility of such an establishment in the Metropolis, but he thought the expense ought to be borne by the inhabitants.

Mr. *Hawes* said, that the Committee of last year were unanimous in their approval of the manner in which the metropolitan police was regulated, not only in the economical management of the funds appropriated to that service, but also of the excellent system of discipline under which the men were governed. The only improvement which the Committee thought might be effected, was that of giving the sole control of the force to the Commissioners, and taking it from under the control of the Home-Office.

Sir *Henry Hardinge* was of opinion, that the police corps and the Commissioners should be under the control of the Government; but, at the same time, he thought that the selection of men, and all matters of discipline and internal management, should be under the control of the Commissioners, and not be interfered with by the Government. Indeed, that was what he understood was to be the case when the force was established. In cases of meetings of Trades' Unions and other bodies, from which riots might be apprehended, it was necessary that the Government should have some control over the force, otherwise it would place too high a responsibility on the Commissioners.

Petition laid on the Table.

Bishops in Parliament.] Mr. *Rippon* rose to move for leave to bring in a Bill for relieving the Archbishops and Bishops of the Established Church from their Legislative and Judicial Duties in the House of Peers. The hon. Member spoke to the following effect:—I am aware than an appeal to the indulgent consideration of this House may be deemed the customary preface of every unpractised Member; but I can truly aver, that looking to the importance of the subject I am about to bring under its notice, and knowing the feebleness of my ability to do justice to its merits, I am only sustained in my undertaking by a reliance on that generous and impartial feeling, which will not underestimate the worthiness of a measure by reason of the inefficient arguments of its humble proposer. I am not incited by desire of popularity, or love of novelty. I offer this proposition with a sincere and long-formed conviction of its necessity and its justice. I wish to irritate no private feelings, I desire to enlist no party passion. I will endeavour to state my opinions calmly, fairly, and briefly. It is unnecessary at this day to cite authorities showing the propriety of Church Reform, but I cannot forbear calling the attention of the House to the opinions of one for whose Conservative wisdom they will entertain sincere respect—I mean Lord Bacon—who, when addressing his Royal Master on the "better pacification and edification of the Church of England," thus expresses himself;—"I would only ask why the civil state should be purged and restored by good and wholesome laws, made every third or fourth year, in Parliament assembled, devising remedies as fast as time breedeth mischief, and contrariwise, the ecclesiastical state should still continue upon the dregs of time, and receive no alteration now for these forty five years and more?" Two hundred years, Sir, have since passed away, and the Establishment continues "upon the dregs of time;" a revolt has now taken place in the minds of men; the intelligent community loudly demand a reform in the Church Establishment, and it is the duty of this House to examine into that institution, and make it satisfactory to the views of the people. I maintain, Sir, that it is the first duty of Civil Government to afford satisfaction to those by whose voluntary obedience it is instituted and maintained, and never to forget the immense importance of timely concession. Observe the signs of growing discontent; reform your system before the period of agitation arrives, for then it may be done with more effect and with a better grace. Remember the Reformation advanced by the determined non-compliance of its supporters, and be assured, that no resistance to national grievance is so invincible as a calm resolution not to obey. I will not fatigue the patience of the House by referring to periods long passed by. I will not consider whether the right of Bishops to sit in Parliament is by prescription, or in respect of fictional baronies. I will not discuss whether they sat in the Saxon Courts as Judges or as Peace-makers. I will not debate the Clerical position, that the Lords Spiritual at this day form a third and independent estate in the other House of Parliament; I will not search the records of history to discover a precedent for my present measure. Time, Sir, changes the position of circumstances, and it also increases the capacity of the human mind to judge soundly on public affairs; for this reason, therefore, I prefer the judgment of our own age to that of any by-gone period. I must entreat the House to bear in mind this one important fact, that the superior knowledge and education of the clergy in all countries and at all times have enabled them to maintain a delusive influence over an ignorant and superstitious people; and formerly in this country, when the Laity gave little consideration but to feats of arms and hospitality—when nobles were unlettered, and Kings could scarcely sign their names, the Clergy became desirable, if not necessary, adjutors in Civil Government. From the time of Beckett to that of Sir Thomas More, a period of nearly 450 years, the office of Chancellor, or Lord Keeper, the highest civil office in the state, was filled almost uniformly by an ecclesiastic, and prior to the Reformation there sat in the other House of Parliament two Archbishops, twenty-four Bishops, twenty-six or twenty-seven mitred Abbots, and two Priors—in all, a body of fifty-four or fifty-five ecclesiastical persons, nearly equalling in their number the temporal nobility of that time. The cause which formerly warranted this practice exists no longer. That which was then desirable is now useless, and if continued will become dangerous. I offer this as a first step in Church Reform. I consider that it is our duty to begin with the heads of the Establishment, and thus show to the inferior clergy our impartiality and our justice; by this means we shall strengthen the effect of our future measures in regard to them, by evidence of our sincere and honest course in respect of the hierarchy. I ask this House, Sir, to consider and decide whether it be meet and useful that the heads of a Christian Church, whose duty it is to retire from the world, not meddling in affairs of State, whose profession is humility, whose denouncement hath been the pomps and vanities of this wicked world—is it proper that such should be made agents in political affairs, and clothed with temporal splendor?—is it right to impose legislative duties upon those who are set apart from the rest of the people for the service of God, whose proper business is the care of the churches committed to their charge? What are the crying evils of the present system?—Pluralities, non-residence, and unequal distribution of wealth. You create a plurality of duties by placing political power in the hands of spiritual teachers. You cause non-residence by requiring the absence of the overseer from his diocese to attend his duties in Parliament; and by the same act you afford an excuse for the unequal apportionment of wealth; by the ever ready plea of extraordinary expenses created by this political abduction; you bring them, bedizened with the splendor of title, to mix in the amusements of a metropolis—to mingle in the plots and jobs of Government intrigue; you tempt them to gratify pride, avarice, luxury, and indolence; you shower wealth and splendor upon them; you forget they are but men. Before I proceed further with my objections, I will, with the leave of the House, examine the merits of that argument ever employed in defence of the practice of Bishops sitting in the House of Lords, that by so doing they represent the Clergy, and thus watch over the spiritual and temporal interests of the Church. In the first place, let me ask, are the Bishops chosen by the Clergy? No, they are ordained and virtually appointed by the Crown. How then can a Bishop be called the representative of his Clergy, when they have no voice in his election—when he is, in fact, a mere State-made Father in God? Have they any *veto* in ecclesiastical questions? Can they enjoin one rite or ceremony? Can they establish or annul one article of faith? No, Sir, all power and jurisdiction relating to these matters is lodged in the hands of the King and Parliament. Is it not then preposterous to suppose that thirty united voices in an assembly of more than 400 persons can have any controlling influence? Does not reason assure us, that all just and proper measures for the government of the Church, which might be recommended by the Bishops out of Parliament, would be received with equal attention by both Houses of Legislature, and by the people with less suspicion and distrust than when advocated in the Senate by interested parties, to whom public feeling is frequently adverse? Besides, be it remembered, the Clergy, equally as the members of our other institutions, enjoy the right of voting as freeholders in respect of their property for the election of representatives in this House; and if the advice or opinion of the Church upon ecclesiastical matters were required in another place, let the Bishops be summoned in the same manner as the Judges. The only advantages that I can discover in the present system, if such the friends of the Establishment deem them to be, are these—that the Church obtains a share in Civil Government, and the Chief Magistrate has control over spiritual concerns. Thus one usurpation is balanced by another. The power of appointing to the Episcopal Bench is placed in the hands of a minister, and we know that private interest, political intrigue, and courtly favour, have sometimes offered stronger recommendation than pious worth. The system of translation makes them, in a certain degree, dependent on ministerial favour, and subjects them to the trying temptation of yielding their integrity to their interest. But, Sir, we must take another view of this question. It is proper to consider political tendencies—to reflect whether it is not the interest of certain men to maintain things as they are, to resist innovation, and prevent the diffusion of political truth—to consider whether the possession of State patronage, which both enriches and exalts, must not necessarily create an adverseness to that change, by which its wealth and eminence may be diminished; and it is right to review the past conduct of parties, and see whether private pretensions have not frequently been preferred to national advantage. Now, Sir, I will take upon myself unhesitatingly to assert, that the tendency of all Church Establishments connected with the State has been, and must be, to oppose political improvements; they are aware that no change can possibly increase, but may possibly diminish the wealth and advantages of the Establishment; they know that the bonds of ecclesiastical delusion which have bound the powers of human reason for past centuries, are now burst asunder—that public judgment, now set free, will exercise its powers in judging for itself, in discovering the truth; therefore, to maintain themselves as they are, they will resolutely oppose any change in the forms of that government by which their supremacy is upheld, lest political reformation might weaken or endanger it. To review the past conduct of parties, turn to the page of history. The Church maintained the despotism of the Louis in France, of Ferdinand in Spain, of Miguel in Portugal; and though, as I am aware, the Clergy of our own country refer with triumphant exultation to the conduct of our Bishops in the time of James 2nd, still, be it remembered, this instance of departure from their usual practice affords the strongest confirmation of the rule; for their support of the executive power was only withdrawn when James had disclosed his purpose of substituting Popery for Protestantism, and therefore their fears were at best of a mixed character, for religious truth and for their civil immunities, for the supremacy of their Church, and for the preservation of their Church Establishment. I need not refer to that period when the rejection of the Reform Bill in another place brought this country to the brink of revolution. The facts of that time and later periods are sufficiently well known to every one here present to enable them to form a correct judgment whether the political power of the Bishops in Parliament has been employed in support of pure and good measures, such as would probably increase the public content and welfare, or whether they have been the mere partizans of their respective political creators. I have trespassed too long on the time of the Houe. It has been my desire to show that the plea of exclusive learning which formerly might have justified the employment of the Clergy in civil government is no longer valid and admissible. I wished to demonstrate how important it is, that example be afforded to the heads of the Church that they should evidence a zeal for the cause of religion; that they should be above suspicion of self-interest, ambition, or worldly gain; that they should be, in conduct as in name, successors of the Apostles. The ministry of the Word afforded sufficient employment for the Apostles, and so it would for their successors; for who can believe, looking to the extent of jurisdiction given to Bishops in this country, that sufficient employment for their time may not be found within their respective dioceses. I ask you to consider with what grace can you require the village pastor to reside amongst his flock when the spiritual overseer, whose duty it is to watch over hundreds of parishes and hundreds of pastors, is removed far away from the scene of his duties, mixing in the contention of Senates, or moving in the splendor of Courts? I bid you remember, that the placing of political power in the hands of those whose interested leaning must ever be adverse to popular Government, is a practice dangerous to the liberties and welfare of the community. The Church, as a spiritual community, has no concern with secular Government; the Establishment has property, and that being a temporality, should be represented in Parliament, but not by Christian officers, for these are servants of that Lord and master whose kingdom was not of this world, who did not delegate to others a greater power than he himself received from God; they are the stewards of his mysteries, and no employment should take them from their proper business to preserve religion, the immediate purpose of which is to promote purity of worship, the ultimate one, salvation of souls. I call upon all friends of religion seriously to consider this momentous truth, that men too often associate their ideas of religion with the conduct of its teachers—their respect for the one is often regulated by their respect for the other—the political conduct of the Bishops in Parliament has lowered their character in the eyes of the community, and whatever tends to create irreverent ideas of religion, diminishes its influence in the human mind. Let the property of the Church be sufficiently represented in Parliament, but make not a high religious office the qualification of a political office; take away the splendor of title, that remnant of a vicious practice, alike insulting and disgraceful to the Christian shepherd—derobe them from this political livery, that it be seen that they accept not the oversight of the flock for filthy lucre or worldly gain, but "of a willing mind." Let the head of the State be supreme over all persons, Civil and Ecclesiastical, merely as citizens, and let no Ecclesiastical ruler enjoy political power by virtue of his office. Thus the Christian Prelate, turning his eyes from every thing political, may rest his hopes and fears upon religion alone—may exert his undivided efforts to maintain (that which alone should concern a Christian Church) its purity and its usefulness. I move for leave to bring in a Bill " To relieve the Archbishops and Bishops of the Established Church from their Legislative and Judicial Duties in the House of Peers."

Mr. *Gillon* rose to second the Motion of his hon. friend, the member for Gateshead. He felt it to be a subject which commanded much of the public attention, and one which it behoved the Legislature to take into their earliest—their most serious consideration. He should not conceive it necessary, in support of the Motion, to go back to very remote periods of history. He would at once admit, that as far as ancient usage or precedent went to establish a rule, that usage was all on the adverse side of the question. In the earliest periods of our history, we find the clergy taking a part in the Legislature of the kingdom, and before Parliaments existed, conferring with, and advising the Princes of the country, and forming a component part of the Councils of the nation. This was easily accounted for in earlier ages, for, besides the great power and wealth which they possessed, and the influence which superstitious men imparted to them, they were, in fact, in these early times, the only educated portion of the community, and the power which they had thus acquired, and which was so acceptable to them, they endeavoured to continue, by perpetuating the ignorance of the people. But he considered antiquity to be no plea, for that which was by experience found to be hurtful, the more cause there was to remove it. He would, however, very briefly notice two periods in our history, which more immediately bore on the point now in view. In the discussions which took place in 1641, on the Bill for restraining Bishops and others from intermeddling in secular affairs, the arguments of those who maintained the rights of the Churchmen to sit in the other House of the Legislature, and of Lord Newark in particular, resolved themselves into three points,—1st, the antiquity of the custom—with that he should not further interfere: 2nd, that it would remove them only for a month or two from their spiritual vocations once in three years: 3rd, that by diminishing the dignity, it would diminish the respect paid to the Church. As to the second point, it was one which could not be brought forward in the present day. The House had been gravely told in the last Session, by the right hon. member for the University of Cambridge, of the importance of the superintending care of the Bishops to the well-being of the Church, so much so, that it was gravely proposed to add to, instead of diminishing, their numbers—a proposition which he hardly expected that House would entertain. But, if these functions were so essential to the well-being of the Church, and to the advancement of religion, the main end, as he ventured to think, of the institution of the order of Bishops, would they not be much more efficiently discharged, were those right reverend Prelates released from an onerous attendance on the business of the Legislature, which must occupy more than a half of their whole time. As long as they continued Members of the Legislature, it was their duty to make themselves acquainted with all matters of State policy—with all the complicated and extended subjects of legislation—a matter in itself enough to absorb the whole man. When we considered at the former time the high importance of the holy office of these reverend Prelates—the deep and eternal responsibility entailed upon them—the millions of Christian souls who were to look to them for exhortation and example, instead of adding to their spiritual duties the intolerable load of legislation, he was rather inclined to exclaim, " Who is sufficient for these things ?" As to the third point, that by diminishing the dignity of the members of the hierarchy the respect paid to them would be at the same time diminished, he was inclined to believe, that the very reverse of this proposition was the fact. It was this grandeur, which, separating them by a broad line of distinction from the generality of men, and calling their attention from spiritual to worldly affairs, impaired their usefulness, and caused them to be regarded rather with jealousy and suspicion, than with that order and reverence befitting the sacred nature of their office. Did the Apostles of old live in gorgeous palaces? Did they arrogate to themselves the feudal dignities? (for it was as Barons that the Bishops held seats in the other House of the Legislature), or did they intermeddle in State affairs? No! and in all time, in proportion as Churchmen had intermeddled, in proportion as they had mixed the character of teachers of the Word with that of busy intriguers and crafty politicians, had they lost that respect, which the conscientious minister would at all times command. These things might give them cap and courtesy, but they lost them in the consciences of men. He could not here avoid quoting the eloquent words of that noble patriot, Lord Say and Sele, whose memory he regarded with much veneration. Lord Say and Sele said, "While they kept themselves to the work of their ministry alone, and gave themselves to prayer, and the ministry of the Word, according to the example of the Apostles, the world received the greatest benefit from them; they were the light and life thereof; but when their ambition cast them down like stars from heaven to earth, and they did grow over to be advanced above their brethren, I do appeal to all who have been versed in the ancient ecclesiastical stories, in modern history, whether they have not been the common incendiaries of the Christian world? Never ceasing from contentions one with another about the precedency of their Sees and Churches, excommunicating one another, drawing Princes to be parties with them, and thereby casting them into bloody wars. Their ambition and intermeddling with secular affairs and State business, hath been the cause of shedding more Christian blood than anything else in the Christian world." Had not the same scenes, so strongly pourtrayed, disgraced the present times? Was not Ireland made a theatre of warfare and contention in order to maintain the dignity of an anti-national Priesthood? Was not a peculiar creed forced on that unhappy land by the power of the sword and military violence? And was not the blood of innocent victims made an unholy offering on the altar of a God of mercy and of love? He would only allude to the discussions which took place in that House on the Bill of 1801, for excluding persons in holy orders from having seats in it. It was argued by Mr. Fox and Mr. Grey, that all the arguments which applied to excluding men in holy orders from this Assembly applied with equal or greater force to the right of the Bishops to hold seats in the other House of the Legislature. Mr. Fox asked, "Was it not true of the Bishops who sat in the House of Lords as of the inferior clergy, that it was their duty to devote themselves to the duties of their sacred character?" He thought, as was then contended, that by that measure an act of injustice was passed; for while he should willingly concur in excluding all endowed Clergy from either House, on the broad ground, that they could not efficiently discharge the duties of both offices, he was inclined to think, that, when a clergyman chose to separate himself from his holy calling, and to devote himself exclusively to secular offices, it was unjust to him, and to the constituency of the country, in a Reformed Parliament, that he should be incapable of becoming one of the Representatives. He was happy to observe, that the hon. member for Cambridge intended to bring forward a Bill on this subject; it should certainly have his support. Let the House look to what had been passing amongst ourselves. It was argued, that it was fitting that the Bishops should hold seats in the other House of the Legislature, in order to defend the rights and property of the Church. Had their interference been confined, he would ask, to ecclesiastical subjects? Had their intermeddling in State affairs been of that nature pointed out by the Bishop of London? Or had they not taken an active part in all those intrigues and cabals, which would render the present times the most famous (he would not use a stronger expression) in history? Had they not so mixed themselves up with the factions and combinations in this, and the last Parliament, in all which they had been engaged more or less, that they seemed not to content themselves with comments upon spiritual privileges, but had envied other men their civil freedom? He agreed with the reverend "Churchman," Dean Blakeley, who had thus eloquently written:—'If it be admitted that the value of any public station, 'considered in its own abstract effect, or as 'it bears on, and is necessarily connected 'with the general interests of society, be 'commensurate with its utility, it follows, 'that every privilege or occupation of the 'person holding such station, should have 'an affinity to the essential qualities of his 'office, and the objects for which it was 'constituted. If this be admitted, my 'Lord, what connexion of a useful or moral 'kind has a stormy midnight debate in 'the House of Lords with the peaceful 'tenor of life and manners which becomes 'an ecclesiastic? * * * * * * Whilst 'such a temple as the House of Lords is 'open for the entrance of spiritual men— 'and such ladders of ambition as from 'Llandaff to Canterbury, and from Ossory 'to Armagh, pride will hold its dominion, 'and exercise it over the hearts of men. 'If a precedent be wanting for the removal 'of the Bishops from the House of Lords, 'behold it in the exclusion of all the Peerage of Ireland, except of the twenty-eight 'Representatives. And let it be recollected, 'that their right was hereditary. It is 'most weakly argued, that the Bishops 'represent the Church, and refrain from 'every debate, unless where the interests

‘ of that Church are concerned. This, we
‘ well know, is not always the case; and it
‘ is objected that they can vote on all occa-
‘ sions. Where the affairs of the Church
‘ require the assistance and sanction of
‘ Parliament, can it be doubted that they
‘ would be received with respect, and
‘ treated with favour, by that Parliament,
‘ upon a formal representation of the Bish-
‘ ops, rather than by a Parliament, per-
‘ haps exasperated by the opposition or
‘ advocacy, no matter which, of spiritual
‘ men, of some public measure, which had
‘ been the subject of debate amongst men
‘ of the first-rate talents, with their pas-
‘ sions excited by a contest for victory.
‘ When I use these arguments, I mean no
‘ invidious application; the moral, I again
‘ say, grows out of the obliquity of human
‘ affairs. I verily believe, that there are
‘ many Bishops of sanctified hearts, single-
‘ minded, and of just conduct. Yet do I
‘ think, that all such should be far removed
‘ from suspicion; and that vanity and ar-
‘ rogance would be imputed to them,
‘ were they animated by the zeal of St.
‘ Paul, and adorned with the simplicity of
‘ “the disciple whom Jesus loved,” and on
‘ whose gentle bosom he leaned.’ The pride, pomp, and circumstances of worldly grandeur, befitted not the followers of a humble and lowly master; a heated and angry debate in the House of Lords accorded but ill with the meekness and charity which should distinguish a Christian minister. The arena of political disputation was no place for the presence of a messenger of peace. He would remove these right reverend Prelates from a scene so unbefitting their presence; from the frivolities of a court, and the temptations of a capital; and would enable them, by devoting themselves to the duties of their sacred calling—by the preaching and practice of Christian charity, to make themselves truly respected and beloved. One point more he would allude to, and he had done. What justice was there, that there should be in one House of the Legislature the representatives of one Church and one sect alone? Why were they to be more favoured than the Established Church of Scotland, or, than the tens of thousands, the millions, who, in every part of the empire, conformed not to the favoured creed? The House might undervalue this argument—the country would duly prize it, and would see, in the presence of those reverend Prelates in the Upper House, a barrier to their acquiring their just rights and privileges. What course his Majesty's Ministers might adopt in regard to this Motion, he knew not, but it was easy to guess. The measure being carried, which they had looked to as a means of annihilating their political rivals, formerly in power; their motto seemed now to be, “Thus far shalt thou go, and no further.” No one measure of efficient and satisfactory Reform had met with their concurrence. The Church and the Aristocracy were taken under their especial protection, while the people, on whose shoulders they were carried into power, were forgotten. But the great tide of truth and justice would roll on, fertilizing as it flowed, and would obliterate even the vestige of the paltry expedients by which temporizing politicians would seek to stop its majestic course.

Lord *Althorp* was understood to say, that he did not believe that many Gentlemen were inclined to support the Motion. If he thought so, he might have been inclined to discuss the question; but, in deference to the strong expression of feeling in the House, he thought he might fairly be excused from entering into any discussion on its merits.

Sir *William Ingilby* would not occupy their attention for five minutes. He dissented from the course adopted by the Chancellor of the Exchequer. The consequence of not allowing a question of the kind to be discussed in that House, was to make it more eagerly discussed in the country. For his own part, he would rather that question was debated in Parliament than out of Parliament. All questions connected with the Church were most important, more especially a question which involved a charge of sacrificing spiritual duties to political pursuits. Whence arose the great body of Dissenters in this country but from the neglect of the Church? All classes of Dissenters concurred in one common sentiment—that dissent arose from the neglect of the Churchmen. Those who wished well to the Church would think with him, that they had better suffer these discussions to take place within the walls of that House than beyond them.

Mr. *Tennyson* agreed with the hon. Member that this was a question of infinite importance to this country—a question involving no ordinary results, and which, therefore, ought not to be disposed of in the summary manner which the noble Lord recommended. He agreed with his hon. friend who had just sat down, that this mode of settling the question would create great excitement in the country. [*"No, no."*] Hon. Gentlemen might cry no, no, but those who were in habits of communication with large bodies of men, knew that it was a question uniformly propounded at the meetings of those bodies, and he, therefore, thought it but respectful to the people that the grounds on which that House came to the conclusion at which they proposed to arrive should be made known. For these reasons he was anxious to state why he should vote against the Motion of the hon. Gentleman. He was a determined supporter of Church Reform, but he did not think the advocates for that measure would exhibit much impartiality towards the Establishment, if, as a preliminary step, they endeavoured to deprive it of its supporters in the House of Lords. After the promise held forth on this subject by his Majesty's Government, he thought it would be but fair to ascertain what their sentiments were, as no doubt they were prepared to bring forward some measure. He perhaps, might be permitted to suggest that the measure should provide for some diminution in the emoluments of the Bishops, as well as some limitation in the number of Bishops; which would render their presence in the House of Lords less objectionable. A large portion of the country, particularly the dissenting classes, thought it a very great grievance, that whilst they had no Representatives, the Protestant Church should be represented so largely. He certainly did not see any reason why so large a body of Bishops should be assembled in the House of Lords. As a member of the Church of England—as a friend to the Establishment—as one who wished to maintain that Establishment—he declared his conviction that it could only be maintained by making such a change as was consistent with the principles of justice, and of sound and enlightened policy. At no distant time large changes must take place; and perhaps with regard to the Bishops, the introduction of the system of representation would be the most expedient course. The presence of twenty-six English Bishops in the House of Lords was more than he wished to see. A system of rotation like that pursued with regard to the Irish Bishops would even be more satisfactory. The interposition of Bishops in secular affairs, so far from being an advantage to the Church, was a great evil; yet it was impossible for men of enlightened minds, as they certainly all were, to be present in the House of Lords, and not exercise the functions of their situation. It was not in human nature to refrain from doing so; and, indeed, as long as those functions were imposed upon them, so long was an interference in secular affairs a duty incumbent upon them. Nothing, however, did the Church more injury in the eyes of the people of England than such an interference, while the absence of all the Bishops from their sees cast discredit on the Establishment in the minds of the people. He hoped, therefore, that the measure of his Majesty's Government would reduce the Bishops to a much smaller number; that they should rigidly watch all matters connected with the Church Establishment; but that they should not be permitted to throw the weight of their influence into the scale of civil affairs.

Mr. *James* said, the conduct of Government on this occasion convinced him that they had no satisfactory answer to give to the Motion. He should not hesitate to support it.

Mr. *Buckingham* said, the observations with which he should venture to trouble the House on this occasion, would be very few and very short. Indeed, after the manner in which the noble Lord, the Chancellor of the Exchequer, had met this Motion, and the attempts that had been made to stifle all discussion on this subject, it required no small degree of confidence to present himself to the House at all. That confidence, however, he derived from the strength of his convictions, as to the justice of the cause, and on this ground alone did he rise to express his entire concurrence in the proposition of the hon. mover. It appeared to him that there were usually three tests by which all measures introduced into this House were judged—the first was, whether the public at large felt strongly on the subject and expressed those feelings in any marked manner:—the second was, whether there were any vested rights or large pecuniary interests at stake:—and the third was, whether, supposing the measure to be completed, any public satisfaction could be given, or any public good be produced. Now, judging the present question by each of these tests, he felt persuaded that it ought to be seriously entertained, and seriously met, and, therefore, he could not but regret the manner in which it had been treated as of no public importance whatever. As to the first, the noble Lord, and those who formed his colleagues in the Cabinet, might believe, that the community at large took no interest in the matter. But in this he would take the liberty to assure them that they were entirely mistaken. Mingling as they did, only with persons of their own rank and class, they had not the same opportunity that humbler individuals possessed of knowing the feelings and sentiments of the great bulk of the people. But, as far as his experience might qualify him to pronounce an opinion on this subject, he could assure the noble Lord that in every part of England that he had yet visited, he had found the majority of the intelligent part of the population strongly in favour of the measure proposed. It must be evident that the entire mass of the Catholic population, and the whole of the Dissenters, must desire its accomplishment on principle: since the sitting of the Bishops in the House of Lords was one of the great marks of the dominant supremacy of the State Church, and the exclusion of the heads of every other sect was a badge of their inferiority. But if there should be added to all these a large number of the most pious and devout communicants of the Church itself, who desired to see the Establishment purified of those temporal, and secular, and political appendages, which in their estimation impeded and obstructed its religious utility, and who thought the Bishops would be more spiritually employed in attending to the care of their respective dioceses—if all these were taken into account, they would no doubt form a numerical majority of the whole population of the kingdom. Judging the measure then by this first test, it ought, undoubtedly, to be entertained. As to the second, there were no vested rights or large pecuniary interests at stake that need make the House pause in entertaining it, as no proposition was now made for abating the incomes of the Bishops, or interfering in any way with their revenues; but simply to relieve them of those political duties, which, as Bishops, they could not adequately or usefully fulfil, without a neglect of those more appropriate and more important religious duties which they had solemnly undertaken to perform. The last test, that of the affording public satisfaction, and accomplishing public good by the passing of the measure, was one, by which the question could only be judged of, through discussion; and that it appeared that his Majesty's Ministers were either unable or unwilling to afford it. He believed, however, that notwithstanding this attempt to stifle and suppress the debate, the noble Lord would find, that he had greatly underrated the numbers of those who would support this measure, within the House as well as without; and he, therefore, begged to express his earnest hope that the hon. mover would not withdraw his Motion, but press it to a division, in order that it might be seen whether or not the proposition was approved, and by whom—when, he had no doubt, though they might form but a minority, it would still be not so small as the noble Lord evidently anticipated when he assigned, as a reason for not replying to the question, his belief that no number of persons in the House would be found to support the Motion before them.

Mr. *O'Reilly* said, it had been stated in a recent debate, that there were questions upon which hon. Members of the same religion as himself could not give a vote on account of the oaths which they had taken at the Bar of that House; but as he (though a Roman Catholic) was resolved to vote upon this question, he was anxious to trespass on the attention of the House for a few moments, while he stated the grounds of his vote. He felt that by that moral compact, to which the right hon. member for Tamworth had so forcibly alluded on a former evening, he was not only bound not to injure the Protestant Establishment as now existing by law, but that he was also bound to afford it—not, indeed, as a religion, for from its religion he conscientiously dissented, but as an institution which the State thought necessary—that support which the members of it deemed essential to its security and preservation. Recollecting that an hon. and learned Member who spoke with great authority had denied that any moral compact had ever been entered into by the Catholics on the subject, he felt himself called upon as a Catholic to state, and he did state it most explicitly, that he recognized distinctly the existence of that moral compact. He cared not whether that recognition rendered him popular or otherwise, for, as an honest man, he felt bound to make that declaration. It might not make him popular among a population which was smarting and suffering from the oppression which it had sustained under too many members of the Establishment; but he was certain that, in making that recognition, he was expressing the opinion of every honest, conscientious, and independent Catholic in the country from which he came. He was particularly anxious that the grounds upon which he was going to vote that evening, should be understood both in and out of that House, and he would, therefore, state, once for all, that, until the Legislature pointed out to him what line he ought to take upon that oath, he should follow the dictates of his own conscience, and those dictates only.

Mr. *O'Connell* said, that in considering this question, he considered it as a question affecting the political influence, and not the religious functions, of the Bishops. In his opinion, there was nothing of religion involved in the Motion then before the House. If it were a question whether the continuance of Bishops was or was not an advantage to that form of religion which they professed, he should not interfere in it; but he now interfered in it because he considered it a question as to whether the Bishops injured or served the body politic of the State. If it could be shown to him that the seats which the Bishops occupied in the other House of Parliament had ever been made instrumental to the advancement of our rights, to the amelioration of our institutions, to the reduction of our burthens, and to the extension of the prosperity and liberty of the people, he would readily vote for the continuance of the enjoyment of them by the Bishops, but on looking back upon the events recorded in our history during the last 130 years, he could not find a single occasion on which the Bishops had taken a part favourable to liberty, or to the amelioration of the prospects of the country, or to the emancipation of the Catholics and other Dissenters. They made a negative quantity in legislation—they were always found at the wrong side, and never on the right, and, therefore, he should support the present Motion.

Mr. *Harvey* said: It is often repeated of this House, that every order of the community is fairly represented, and that there is no feeling or wish which can be entertained by any rational class of the country which may not find expression, and even advocates in this House; and, owing as I do, my seat in this House mainly to the kind and disinterested exertions of a large portion of persons known as Protestant Dissenters, and never shrinking from the unprofitable avowal of my participation in their sentiments, I should feel, that upon this trying occasion, so deeply affecting their interests, I was deserting their cause, and disappointing their just expectations, if I were to permit this Motion to be smothered in the manner it is attempted to be. It is true, it is not my intention to enter into this subject at present, as I, at first, intended, and for which I trust inquiry and conviction have in some degree prepared me, but for which, it would seem, there is now no occasion, because the advocates of the Motion are, at least, so far complimented, by the fact, that no one has ventured openly to oppose it. The Bishops, it would seem, are deserted by the Ministers, and have no private friends. But, it is said, that this Motion is undeserving of support, or even of discussion. Unlike some of those stirring subjects which enlist all our feelings, and our interests, such, for instance, as a repeal of the tile-duty, or a commutation of tithes; or, when with a view of relieving the distress which bears on agriculture, it is gravely proposed to allow the farmers to drive to and fro in untaxed carts, provided they be without springs—then, indeed, the Government and their friends are eager for the fight; but, because no question of this grave importance is before us, no one is to speak without being exposed to the taunt of silence—to contumely and reproach. Whatever degree of importance may attach to that reproach, I am prepared to take my share. At least, we shall be appreciated elsewhere, for, however little it may be known or heeded in this House, or however unpalatable the declaration, there is no subject which enters so deeply into the feelings of the intelligent portion of the community of this country, or which, in spite of every attempt to smother it, is so rapidly advancing, and that to a perfect triumph, as the subject of this Motion. There is, indeed, a principle at work beyond these doors which will at no very distant time render the question, whether the Bishops shall be in the House of Lords, none other than whether you shall maintain an endowed establishment. There is, indeed, at this moment, a concessionary spirit among the Dissenters, which might induce them to forego much as the price of peace. It is a foul calumny upon this great and enlightened body of persons to say, that they covet the revenues of the Church, and desire to seize them for their own purposes. But this, I will say, that if the Dissenters, looking at the paramount importance of separating the Church from the State, cannot obtain this great object through the fair and legitimate channels of open discussion, they must effect it through those means of influence which it would seem appeal far more powerfully to the selfish interests than to the purer feelings of mankind. Strip the Church of England of her temporalities, and she must fall, a sure and melancholy testimony of her worldly character. Hon. Members seem most strangely to confound a Church, established and endowed by law, with a Church based upon the simple principles of Christianity. They confound things essentially different. They regard tithes and theology—dogmas and doctrines—discipline and duty, as one and the same thing. The Church of England, delineated in its doctrines and liturgy, I apprehend is dear to the great portion of the people of this country, whether they be within or without the pale of the Church. If you were to divest the Church to-morrow of its gorgeous array—if you were to strip your Bishops and the whole of your hierarchy of their temporalities, the Church of England, as a Christian Church, would not only stand, but would increasingly flourish. You would discover in its principles its purity—you would read in its professions its faith. But nothing so much tends to disparage the simple principles which 1,800 years ago were proclaimed from the heights of Sinai, than that you should see the Bishops belying the simplicity of their creed, in the gorgeousness of their worldly appearance. There is no kindred feeling between the appearance of the towering teachers of your religion and the lowly spirit which it professes. It is these things which give force to the shafts of infidelity, and give point to the sword of scepticism. To those in this House into whose minds the genius of Christianity enters with its softening spirit, I would say, there is no mode by which they can more effectually advance the religion which they adorn, than by turning the Bishops from the House of Lords, and sending them to those scenes of rural utility in which their example may inspire confidence, and create admirers. Many things have been advanced by hon. Gentlemen who have spoken this evening, which, in the hands of the dexterous debater, might be turned to the prejudice of those who advocate this Motion. It cannot be imputed to them, that the Motion is supported by pre-arrangement, and is the result of perfect concord of opinion. One of my hon. friends does not object to the appearance of some Bishops in the House of Lords, but thinks there are too many. Now, this concession destroys the whole principle. If spiritual Bishops are to be tolerated in the Lords at all, it is to me a matter of indifference how many. I argued that point on the discussion of the Irish Church Temporalities Bill, and I still hold, that in the degree, if at all, that religion is to be advanced by the agency of episcopacy, it is important that the number of Bishops should correspond with the vast objects of their appointment. This matter requires to be clearly understood—what I quarrel with, and what the Dissenters quarrel with is, the alliance of the Church with the State, illustrated as that alliance is, by the appearance of Bishops in the House of Lords, as a part of a sect exclusively endowed with immense revenues and domineering distinction. Again, when it is said, that the Church ought not to have its Bishops in the House of Lords, because other sects have no Bishops there, is it to be supposed, that the Dissenters are envious of Bishops, and only require to be represented by their own? Strange ignorance or infatuation all this! Of all libels that would be the greatest, even surpassing that which imputes to us that we wish to divide the revenues of the Church. The Dissenters disclaim all connexion with the State, both as regards its honours and its riches. They are of opinion—an opinion which the experience of 1,800 years has confirmed—that Christianity not only requires no aid from the civil power, but that such aid impedes its progress. During the first three centuries of the Christian era, Christianity was enabled to stand against and triumph over powers far more formidable than belong to the refinements of the present day to oppose to it. It overcame the powers of Paganism—it humbled the pride of the Cæsars. Nothing in the pomp of Rome—nothing in the pride of courts, could resist its simple and sublime dignity; and, however seductive may be the influence of fashion in the present day—however much of profit, by being subservient to courts—however brilliant and alluring the regalia of monarchy—whatever splendor may belong to crowns—or whatever there may be in the sanctity of mitres—in the strength of sceptres—in the reverence of croziers,—Christianity rests on imperishable principles, and all that the Protestant Dissenters ask is, that you will not interfere, but let Christianity stand on its imperishable and inherent pretensions, simple and mighty in its power and beauty.

Mr. *Hume* was sorry that he had not been present at the commencement of this debate; but he could not permit it to conclude without repeating the sentiments which he had often expressed elsewhere upon this subject. He considered the sitting of Bishops in the House of Peers, in every respect indefensible—Bishops, to promote the interest of religion, should never be placed in situations where they might be called upon to act in opposition to the feelings of the people. He had no hesitation in saying, that after their proceedings on the Reform Bill, the Bishops had rendered themselves odious to the people of England. He admitted, that having seats in the other House of Parliament, they had a right to give their votes as they pleased; but their exercise of that right had led the people of England to this conclusion—that to render them beloved by their flocks, they should be deprived of the power which brought them into collision with the people. He was sure, that in the opinion of, at least, three-fourths of the people of England, there was no difference on this subject. The Motion, so far from deserving to be treated as one not worthy of discussion, was, in point of fact, perfectly irresistible. Ministers, therefore, acted wisely in saying nothing against it. He hoped, that they felt with him, that political power was never mixed up advantageously with religious functions. It was no defence of the Bishops' seats in Parliament, to tell him that they had been held for centuries, for he had no regard for anything ancient unless it was also useful. Considering the junction of political power with religious functions to be quite incompatible, he had great pleasure in giving his support to the present Motion.

Mr. *Sheil* rose to express his own opinion upon this Motion rather than to invite Ministers, for such invitation he knew would be in vain, to express their sentiments upon it. He also rose, because he thought, that it would be pusillanimous,,on his part, as an individual, not to record his opinions on a question so generally interesting. He could not help thinking that a large change of opinion with respect to the Bishops had taken place in the Ministry since no very remote period. Did not hon. Members recollect the menace uttered against them in another place, when they were significantly warned to "set their houses in order?" The times, however, were changed; and his Majesty's Ministers now felt retrospective indignation for the indignities which these reverend personages formerly suffered. It appeared as if a declaration was now wanted from the House, that this question was not worthy of discussion. Now, he implored the House to recollect what had been done on the Bill, not for the reform of the Church of Ireland, for there was no Church of Ireland, but for the reform of the united Churches of England and Ireland. If they had made no scruple to sacrifice twelve Irish Bishops, why was it to be deemed sacrilegious to propose the reduction of some little incidents attached to the dignities of the English Bishops? It must be manifest to any man who reflected on the proceedings which occurred shortly before the carrying of the Reform Bill, that it would have been much better had the Bishops never interfered against it. It was said, that no such thing would ever occur again; but what security could the public have of that? He wished Ministers would attend more regularly at the morning sittings, for they would then hear the petitions of the Dissenters, in which were contained propositions much more alarming, and much more inimical to the existing establishments, than the present Motion. Those petitions represented the opinions of 9,000,000 of persons in the two islands. And what would they say, when they heard that Ministers refused to discuss this question? It had been said, that the heads of the Church ought always to be in Parliament; but his answer to that assertion was, "Look at the Church of Scotland, built on the rock of poverty, and unadorned by dignity and wealth." He was convinced, that for any loss of power which the Bishops might sustain in consequence of being deprived of their seats, they would find more than ample compensation in the increased confidence and gratitude of the people.

Mr. *Ewart* said, that he agreed with the hon. member for Tipperary, that the independent Members of the House should not be driven into a pusillanimous silence on this occasion. It might be well for his Majesty's Government to maintain a mysterious reserve; in them such a course might be prudent, or expedient. But he (Mr. Ewart) held, that the independent Members of the House were justified in acting on more general principles, and of taking a long-sighted view of important questions such as this. They must consider what in the main, and with a comprehensive view of the future, was the wisest and most reasonable course. He entertained the conscientious opinion (and, entertaining it, he was bound to express it) that it would be better for the interests of the Church—it would be better for the cause of religion—it would be better for the permanent good of the State—that the Bishops should not mingle political with religious duties. With this brief declaration of his reasons for supporting the Motion, he should, at present, be content. But he felt, that he could not, with self-satisfaction, have given a silent vote on this occasion.

The House divided: Ayes 58; Noes 125—Majority 67.

List of the AYES.

ENGLAND.

Adams, E. H.
Aglionby, H. A.
Attwood, T.
Baines, J.
Bewes, T.
Blake, Sir F.
Buckingham, J. S.
Buller, C.
Chaytor, Sir W.
Codrington, Sir E.
Ewart, W.
Faithfull, G.
Ferguson, Sir R.
Fielden, J.
Grote, G.
Guest, J. J.
Harvey, D. W.
Humphery, J.
Ingilby, Sir W.
James, W.
Kennedy, J.
Leech, J.
Lister, E. C.
Parrott, J.
Pease, J.
Philips, M.
Potter, R.
Richards, J.
Rider, T.
Roebuck, J. A.
Romilly, J.
Russell, Lord
Sebright, Sir J.
Staveley, J. K.
Warburton, H.
Whalley, Sir S.
Wilks, J.
Wood, Alderman

SCOTLAND.

Gillon, W. D.
Hay, Col. L.
Oliphant, L.
Oswald, R. A.
Oswald, J.
Pringle, R.
Steuart, R.
Wallace, R.
Wemyss, Captain

IRELAND.

Blake, M. S.
Evans, G.
Jacob, E.
O'Connell, D.
O'Connell, M.
O'Dwyer, A. C.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Vigors, N. A.
Walker, C. A.

PAIRED OFF.

Bainbridge, E. T.
Bowes, John
Hall, B.
Fleming, Hon. Adm.
Lynch, A. H.
Marjoribanks, S.
O'Connell, M.
Palmer, General

SHUT OUT.

Molesworth, Sir W.

TELLERS.

Hume, J.
Rippon, C.

OMNIBUSES AND CABRIOLETS.] Mr. Alderman *Wood,* in introducing his Motion for leave to bring in "a Bill to regulate the plying, driving, standing, places of arrival, and departure of stage-coaches, omnibuses, cabriolets, and other hackney carriages, and also the passing and repassing of other carriages used for the conveyance of goods, within the city of London, and within twelve miles of the General Post-office," said, that though, on his first calling the attention of the House to the subject, he had limited his Motion to the city of London alone, he had now found reason to extend its operation, so as to include all the short stages. The number of vehicles of this description passing through Cheapside in one day was not less than 1800; and the magnitude of the subject was, in itself, sufficient to show, that it deserved the attention of the Legislature. He would not enter into any detail of his plan, but would merely mention, that one of its features would be the licensing of the drivers, instead of the proprietors of omnibuses and cabriolets.

Mr. *Roebuck* hoped the diminution of the number of the vehicles in question would not form a part of the proposed measure. Their number could scarcely be too large, for if they exceeded the public necessity, they would, of themselves, diminish. He could only say, that with respect to the omnibuses, they were of great convenience to the citizens of London, and he should be sorry to see any measure introduced which might have the effect of checking a free trade in vehicles. Great caution was requisite in interfering with such a subject, for if the competition in omnibuses and stage-coaches were to be impeded, those persons who contrived to live a few miles out of London, with incomes of from 100*l.* to 70*l.* a-year, would be put to great inconvenience.

Mr. *Hume* thought, after paying considerable attention to the subject, that licensing the drivers instead of the proprietors of omnibuses and cabriolets would be productive of bad consequences. It would be contrary, too, to the recommendation of the Committee which had sat on the subject, and which concluded, that it would be better to subject the proprietor, who had something, to the responsibility, and not the drivers, who had nothing but their weekly wages.

Lord *Althorp* said, that he should be extremely sorry if, in giving his vote for the Motion, he should be supposed to do anything detrimental to free-trade. He did not think he should be doing so; on the contrary, he thought some legislative enactment on the subject would be of great public advantage. It was certainly desirable that instances of gross misconduct on the part of the driver, such as had been frequently before the public, should be put an end to.

Mr. *O'Connell* was decidedly of opinion, that it would not be a good plan to license the cabriolet drivers, for no set of commissioners would have so strong an interest in procuring good drivers as the owners of the vehicles.

Mr. *Grote* said, great inconvenience was now sustained in the city of London by the stoppages caused by omnibuses. It was so bad at times, that it was almost impossible to cross the streets. He hoped the Bill would be allowed to be brought in, for certainly a more strict police regulation with regard to those vehicles was requisite.

Leave was given to bring in the Bill.

HANGING MURDERERS IN CHAINS.] Mr. *Ewart* moved for leave to bring in a Bill to take away from Judges the power of directing criminals, in certain cases, to be hanged in chains. From what had fallen from the right hon. Secretary for Ireland, on a former evening, he believed, if he had understood the right hon. Member rightly, that Government would be willing to abolish this odious practice of hanging murderers in chains. It was unnecessary for him, therefore, to enter into the question, and he should only submit his Motion, to the judgment of the House.

Mr. *Littleton* said, that the House was, of course, aware, that he had given notice of a Motion with a view to abolish the practice in Ireland, and it would seem very strange to pass two Bills, one for each country, on the same subject. He thought one Bill might comprise both objects, and he had no objection to postpone his Motion in order to allow the hon. member for Liverpool to bring in a general measure upon the subject.

Mr. *O'Connell* said, the right hon. Gentleman was mistaken in the object of the Motion of which he had given notice, for, instead of being to take away the power of hanging in chains from the Judges, it was expressly to give them that power—[*"No, no," from Mr. Littleton*]. He would say, "Yes, yes." A doubt had existed as to whether the Judges possessed the power, and the Bill the right hon. Gentleman had given notice of, declared that they had such power. The right hon. Gentleman, no doubt, did not intend this, for they were all agreed, that this horrible practice should be done away with.

Mr. *Shaw* said, the Act of 10th George 4th, not only gave the power to the Judges, but imposed upon them the necessity of directing that all criminals convicted of murder should either be dissected or hung in chains. Subsequently, the hon. member for Bridport (Mr. Warburton) brought in his Anatomy Bill, by which he took away from the Judges in England the power of ordering the bodies of murderers to be dissected, and substituted the power of directing them to be buried within the precincts of the prison. [Mr. *O'Connell:*—Or to be hung in chains] No, the power of ordering them to be hung in chains existed before. The hon. and learned Gentleman had fallen into the same mistake as some well-intentioned persons, by whom, at a meeting recently held in London, the right hon. Gentleman's measure was denounced as an anatomical and a gibbeting Bill. It was no such thing. The Judges already possessed the power of directing murderers to be hung in chains; nor was it an anatomical Bill, because the power of ordering the body of the criminal to be dissected was taken away from the Judges. It did neither more nor less, than give the Judges the power of ordering the body of a murderer sentenced to be hanged to be buried within the precincts of the gaol, instead of being dissected. There could be no objection to the hon. member for Liverpool abolishing the practice in Ireland; but his enactment would not obviate the necessity for the introduction of the right hon. Gentleman's Bill; because, unless that passed, the Judge must order the body to be dissected—he had no alternative: he had not the power of ordering it to be buried within the precincts of the gaol. He was sorry the hon. member for Bridport was not present, because his great object was to do away with this power. It would be proper for the right hon. Gentleman to proceed with his Bill, which did not give the Judges the power of ordering murderers to be hanged in chains. He was surprised that the hon. and learned Gentleman, the member for Dublin, entertained an opinion that it gave the power. The Judge had the power already: and if there were not one word in the Bill on the subject of gibbeting, that power would remain the same. To show the necessity of the measure, he would mention, that only the other day a Judge in Ireland ordered the body of a murderer to be dissected. He considered it preferable to hanging in chains, and he knew that he must make either the one order or the other. He had omitted to state one thing. There was a question whether or not the Bill of the hon. member for Bridport extended to Ireland. He expected the opinion of the House would be, that it did not;

because, while it expressly repealed the English Acts, it did not, with regard to Ireland, repeal that provision which gave the Judges the power of directing the bodies of criminals either to be hung in chains or to be dissected. It certainly would be very desirable to remove any doubt that might exist on this point. He apprehended the object of the right hon. Gentleman's Bill simply was—to assimilate the law of Ireland, in this respect, to that of England.

Mr. *Littleton* said, the hon. and learned Gentleman who had just sat down, was most likely to be correct with reference to the point to which he had just alluded, and, therefore, he (Mr. Littleton) would not argue it. All which would be requisite for the hon. member for Liverpool to do, would be to enact that, both in England and in Ireland the power of directing the body of a criminal to be hung in chains should be taken from the Judges; but a further enactment would be necessary for Ireland, empowering the Judges to order murderers to be buried within the gaol yard.

Dr. *Lushington* said, that all the hon. member for Liverpool had to do, was to enact, that throughout England, Ireland, and Scotland, in all cases whatsoever where the Judges had the power to order the body of a criminal either to be anatomized, or to be hung in chains, that power should be taken away, and, instead thereof, the Judges should order the body to be buried privately in the gaol or elsewhere. A more simple Act it was impossible to devise. He was happy to say, that it was one on which the whole of that House appeared to be unanimous; and their opinion, he was fully convinced, was in perfect conformity with the feelings of the people of England, Scotland, and Ireland, which was only another proof of the increased intelligence and civilization of this nation.

The proposed title of the Bill having been Amended, leave was given to bring in a Bill to regulate the disposal of the bodies of all criminals sentenced to be executed for murder within the United Kingdom.

TRADE OF COOPERS.] Mr. *Hume* rose to move for copies of the correspondence between the master coopers and the Lords of the Admiralty, pursuant to a notice which he had given in consequence of the statements lately made by the right hon. Baronet (Sir James Graham) on the subject of a dispute between the journeymen and the master coopers. In 1824, the House of Commons, acting upon his Motion, submitted the whole question of the Combination-laws to a Committee up-stairs, which recommended that all the laws which had subsisted for 300 years in relation to masters and workmen, should be repealed; the condition of the repeal being, that neither party should resort to threats or coercion against the other. The law which was passed in 1824, and reconsidered in 1825, placed masters and workmen on a footing of equality; labour was the commodity of the men, as capital was that of the masters, and both were to be allowed to obtain the best terms they could. It was thought that the workmen should be allowed to get the best price in their power in the free market of labour, by fair means, and without violence or intimidation. Fully approving of this principle, he viewed all interference between masters and men with disapprobation, and he regretted to hear from the right hon. Baronet, that, in a dispute between the masters and journeymen coopers, he had stepped in and taken part with the masters. He thought it much to the credit of the working coopers, that the engagement entered into with the masters had continued, without material alteration, from 1825 to the present time. The right hon. Baronet's statement, that the men had struck for an increase of wages, was not altogether correct, the fact being, that they struck to prevent a diminution of wages. The work which the men were required to do for the same wages was gradually increased, and they naturally asked for an allowance in proportion to the additional weight of the casks on which they were employed. Nothing could be fairer than their conduct. The question was, whether the workmen were to be at liberty to reconsider their agreement with the masters? He understood that twelve or thirteen masters (the trade was very limited in point of number) had agreed, upon the representation of the men, to act as was required, when Government stepped in, and the Victualling Department offering to provide the necessary casks, the arrangement between the journeymen and their employers was abandoned. As to the average earnings of the workmen, he believed that they, by no means, amounted to such a sum as the right hon. Baronet appeared to suppose, —(from 2*l.* 4*s.* to 2*l.* 10*s.* a-week), and that, taking into account slack times, and workmen of different degrees of skill, they would not be found to exceed 20*s.* a-week. It was unfair to reckon wages by what a man might gain in one week; the average ought to be taken. But, supposing the wages to be as high as had been stated, was not a man at liberty to obtain *3l.* a-week instead of *2l.*, if he could do so by fair means, and without using threats or violence? A law existed to punish every attempt at force or violence, and it was the duty of masters to enforce that law if necessary. He regretted, that the House should have been led away by the right hon. Baronet to believe that the workmen had acted improperly, but he trusted he had shown that they had not. He frequently heard objections taken to the word "union;" but he could not see the force or justice of the objection. Why should not workmen have clubs as well as any other class of persons? Why were not poor men to have their unions the same as rich men had theirs in St. James's-street? His Majesty's coopers at Deptford were making up casks at 1*s.* 8*d.*, the usual price of which was 2*s.* 4*d.*; being 8*d.* a cask less than ordinary. He also understood that the hoops used for these casks were marked with the broad arrow, so that persons stealing the casks would be liable to a more severe punishment than in an ordinary case. He was told, that the workmen were able to rebut the allegations made against them, and, assuming that to be the case, he thought the interference of Government unwise and uncalled for. He was most desirous to know why the Admiralty had taken the part they did—upon what grounds they could justify themselves—what plea they could advance in their favour. To ascertain that, he thought the best way would be, to have the correspondence between the Government and the master coopers laid before them. It might afford the clue which he, and he hoped the House, were so anxious to obtain. The interference was a most unwise one on the part of official authorities, and therefore its reasons should be probed to the bottom. Before he sat down, he could not refrain from saying a few words on the constitutions and governing principles of the Unions. Much good had resulted from their formation; and for one that then existed, two were in active operation before 1824. This great and gratifying difference was certainly between them, before and subsequent to that year. All that was done at the present moment was acted in the face of day; the eyes of the world might be on them, and they cared not—they met under the sanction of the law. They knew they were amenable if they transgressed; their proceedings were under its control—they met under its sanction. Before 1824 they were ashamed to show themselves—they assembled in secret, and were almost conspirators. Now they congregated to support the weak, the aged, and those out of work. They put forth regulations which all might read, and they were exposed to the minutest inquiry. One of the regulations, it was true, was to induce an adherence to a system which would tend to prevent a reduction of wages, in order that they might be enabled to live and adequately maintain their families. This had created much clamour out of doors, and they were severely blamed for so doing. He was indifferent to such clamour. He considered they had a right to look for the advice of each other, and if 100,000 assembled together for such purposes, he should be glad to know by what law they could be put down? The men were in a far different position from the masters; they had not the power to contend against the capital which was arrayed against them, and consequently there was an imperative necessity for adopting some regulations. What protection would they have against masters such as those in Derby, sending 15,000 or 16,000 out of employment, without making any provision to relieve the mass of misery which was thus created? How were men, then, to be blamed for seeking to prevent such frightful occurrences? He felt the justice of their case, and he should be ever prepared to defend it. There was not a Trades' Union in the country that did not possess a letter of his; and he would defy a single line to be found in them that did not inculcate obedience to the law, and deprecate any proceedings that were not equitable and just. If they violated the law, they were punished; and if an unsuccessful strike be made, its results would have a most salutary effect. Both masters and men ought to be permitted to go on of themselves, without being set against each other by official interference. They would then proceed harmoniously together, and contentions, bickerings, and an exhibition of hostile demeanour, would not have to be witnessed and deplored. Again, he would say he considered the interference of Government unwarrantable, and that the men ought to have their case inquired into. He (Mr. Hume) would be the last person in that House to encourage them in lawless violence; and would also be found among the first to see that they suffered no unjust or unnecessary hardship.

In bringing forward the present Motion, he was only giving the right hon. Baronet an opportunity to explain his reasons for interfering in the case in question. He naturally felt anxious with respect to a matter connected with the repeal of the Combination-laws in 1824, a measure which he approved and advised. He disapproved of the right hon. Baronet's interference in the present case, on the ground that the law, and not the Government, should step in if any interposition were required. The hon. Member concluded by moving in the terms before mentioned.

Sir *James Graham* had listened with particular attention to the speech of the hon. member for Middlesex, and could assure him that he courted investigation, and was rejoiced the subject had been brought forward, as he should thereby be enabled to state the reasons that influenced Government in the course they had thought proper to adopt. He admitted the truth of the general principle laid down by the hon. Member, that it was not advisable to interfere in disputes between masters and workmen, but, in the circumstances of this particular case, he considered the conduct of Government justifiable. At the commencement of his observations, he was desirous of saying, that the hon. Member had not disappointed his expectations in stating his peculiar anxiety on the subject, the hon. Member having pressed the repeal of the Combination-laws in 1824—a repeal which at the time he (Sir J. Graham) thought questionable in theory, and, in point of practical prudence, extremely doubtful; but in reference to which, he was satisfied that the hon. Gentleman's motives were perfectly pure. He was convinced, that the hon. Member was the last person who would have any connexion with acts of violence. The hon. Gentleman had laid down the principle which should govern the proceedings of workmen with perfect correctness. It was true, that the workman's labour was his commodity, for which he was entitled to obtain the best price he could, without having recourse to force or intimidation. He was glad to have the hon. Member's authority for this, because, if this salutary rule had been violated in the present instance, it would probably be thought that Government was justifiable in interfering in support of the masters, in opposition to the workmen, who attempted to enforce an act of injustice by means such as the hon. Member would scarcely defend. The hon. Member stated, that workmen would soon learn from the result of unsuccessful strikes that their own interests were concerned in abstaining from such proceedings; consequently, if the present strike failed, through the assistance afforded by Government to the masters, that salutary effect to which the hon. Member referred would be accelerated. The hon. Member had stated, that the number of master coopers was small (not exceeding fifty), but he should recollect, that the number of workmen was also small, consequently combination was easy, and their power over the masters proportionately great. If, as the hon. Gentleman said, the masters had attempted to increase the weight of certain descriptions of work without altering the wages, and had thereby, in effect, endeavoured to lower their men's wages, that would have been a fair ground of complaint; but the reverse of this was the fact. He found, that although, prior to 1825, an alteration in the weight of casks furnished to brewers did take place, no change in any other branch of the business had occurred for a long period, and that since 1825 no alteration was made in brewers' casks. In 1825 a rise of price was agreed to by the masters, it having been demanded by the men on the ground of the alteration in the weight of the article mentioned. He held in his hand statements from five of the principal brewing establishments on this subject, and would read them if the hon. Member chose. [Mr. *Hume* expressed a wish to have the documents read.] He believed that he disagreed with the hon. Member as to the article increased in weight, and that they had both referred to brewers' casks. [Mr. *Hume:* Yes.] The principal cooper at Messrs. Barclay and Perkins's stated, that the casks received at that establishment had not increased in heaviness or stoutness during the last ten years; from Messrs. Truman, Hanbury, and Buxton's it was certified that the casks now received were not stouter nor heavier than those used for the last seven years; and the principal foreman at Messrs. Whitbread and Co.'s made a like statement, extending over the last five years. He had similar statements from the houses of Hoare and Co., and Taylor and Co.; but it was needless to read them. With respect to the amount of earnings of the working coopers, he could assure the hon. Member that, so far from viewing the sum with jealousy, no circumstance afforded him such unmingled satisfaction as to see workmen well paid for their labour. He had not referred to the earnings of these individuals from any jealousy of the amount, but as an ingredient in considering the nature of the strike, it being necessary to ascertain whether the men so striking were aggrieved or not, and what were their circumstances. He had before him returns of the average weekly earnings of working coopers in seven yards during the years 1832 and 1833. From these it appeared that the average weekly earnings (taking not the best workmen alone, but the best and middling artisans and boys, and allowing two boys for one man,) amounted to 2*l.* 6*s.* 1*d.* actual money payment on the books. This sum was made up in the following manner:—Wages, 2*l.* 1*s.* 7½.; allowance for beer, 3*s.* 5½*d.*; clippings, 1*s.*: total, 2*l.* 6*s.* 1*d.* [Mr. *Hume*: Were the men employed all the year round at this rate?] These were the earnings of men in full employ, and he understood that they were employed all the year round. The real question was, had the working coopers since 1825 attempted by force or intimidation to prevent the masters from procuring a sufficient number of workmen? He was informed, that since 1825 the Unions had laid down laws which were rigidly enforced, with respect to the supply of labour in the trade. The masters felt a natural anxiety to increase the number of workmen, by training apprentices to the business, with the view to lower the wages of labour. The men had resisted this attempt. They told the masters—"We will not work if you employ a larger number of apprentices than we are willing to agree to." The maximum of apprentices allowed by the men was two, or occasionally three, when business was conducted not by an individual but by a firm. This was the rule laid down and adhered to, whatever might be the number of men employed in the yard. There was a particular firm, the name of which he could mention if necessary, which did take an additional apprentice The consequence was, that the men struck, and the house was unable to carry on its trade. The moment for the strike was judiciously chosen, when a pressing demand existed for the article, and the party would have been ruined if the orders could not be executed. The terms upon which the workmen offered to return to their employment were these—the dismissal of the apprentice, payment of the full amount of wages, 30*l.*) which the men might have earned during the time they continued out of employment, and the master to beg pardon of the workmen in a body. The party was compelled to submit, and did submit to these conditions. Talk of tyranny! what greater tyranny than this? Here was not only oppression but extortion; it deserved a harder name—a point gained, and money obtained under the influence of threats, and by violence, which might amount to an indictable offence. Since 1825 the trade had been compelled to submit to the law laid down by the workmen, and rigorously enforced with respect to apprentices. A firm having added five men to fifteen, the number which it had previously employed, thought that in equity it was entitled to add to its number of apprentices. But no, the law was rigidly adhered to by the workmen, and the firm was required to dismiss the supernumerary apprentice. The master argued, that upon every principle of justice, the increase in the workmen would bear out an increase in the apprentices. The man admitted the force of the argument, but replied thus—"Our law is framed on general principles, and peremptory in its nature—we cannot relax it in favour of a special case—you must dismiss your apprentice." He did not object to the men taking all fair and just means to obtain a proper price for their labour; but the system that was in operation in this instance, and which pervaded almost all the trades in the country, was indefensible upon all just and equitable principles. The effect of the law which had been introduced by the hon. member for Middlesex was, that it rendered it extremely difficult now to punish an offence which was clearly a violation of the spirit, if not the letter, of the statute-law, and, as he (Sir J. Graham) thought, a violation of the common law of the land. The House was aware that, under the law of this country, nothing was so difficult to prove as a conspiracy; and yet here was a conspiracy, a manifest conspiracy, for the purpose of controlling and overawing the masters. How did a combination of the kind, while the men committed no violence, but kept within the letter of the law, carry its purposes into effect? In this way: the body deputed certain members to watch the house of a master who had refused to accede to the terms of his workmen, and whose workmen had accordingly left his employment. His house was accordingly surrounded. He could not move a step without having certain parties, connected with the body, following him, dogging him wherever he went, and placing him in a situation of difficulty, anxiety, and alarm; thus, in fact, though no menaces should be resorted to, no violence committed, overawing and intimidating him in all his transactions, and effectually preventing him from taking other men into his service. He had been confidently informed, as regarded the secretary of the master coopers, that this plan of intimidation had been adopted with success. Now, if those things which he had stated, were facts, and he was confident that they could be substantiated upon inquiry, he submitted, that they took this case out of the rule laid down by the hon. member for Middlesex, and that they clearly established it to be a violation of the letter as well as of the spirit of the existing law. It was because he thought, that the example would be salutary, and because in this particular case the Government had it in its power to defeat a combination which he considered indefensible, that Government had come to the determination to uphold the masters where they thought they were justified in resisting a combination of the coopers—a combination that was in its objects illegal, and contrary to the law of the land. It was upon these grounds that the Government had interfered. For the present the amount supplied had been only fifty butts, and 200 hogsheads, from the stores at Deptford. It should be borne in mind, that this was a matter of primary importance—especially to the foreign trade of the country, for if, through the success of such an illegal conspiracy as this, articles necessary for our shipping should be unduly enhanced in price, we should have to encounter foreign commercial competition under considerable disadvantages. If, in fact, through such a conspiracy the supply of our shipping should be suddenly stopped, we should have to meet foreign shipping upon unequal grounds, and under the disadvantage of wanting a great many articles indispensible for some portion of the shipping. It was with a view to prevent such consequences that the Government had interfered in this instance, and doing so was not without precedent on former occasions. A precisely similar line of conduct had been under analogous circumstances adopted by Mr. Huskisson, who, be it recollected, had supported the reasonings and arguments of the hon. member for Middlesex for repealing the former Combination-laws in 1824. In 1825, Mr. Huskisson advised the adoption of exactly such an expedient, to meet a combination of the shipwrights on the Thames, who, just as the Spring trading ships were about to prepare for their departure, refused to work, and struck for an advance of wages. The Government, then, acting upon the advice of Mr. Huskisson, allowed the merchant vessels to be refitted in the King's ship-yards. The remedy was simple, and it was completely successful. The present case was quite analogous to that one; and the facts connected with it proved that it fell within the exceptions to the general rule which had been laid down by the hon. member for Middlesex. He had no hesitation in laying before the House the Correspondence which had taken place between the master coopers and the Board of Admiralty on this subject, and no hesitation in saying, that pending the decision of the House, the Government should not proceed further in the matter. In the interim he trusted that the master coopers and their men might come to a satisfactory agreement. He had stated the facts of the case—he had stated the course which the Government had followed—and he would conclude by repeating the opinion which he had already expressed—an opinion deliberately formed; that under the circumstances of the case that conduct was strictly justifiable upon the principles he had mentioned.

Mr. *O'Connell* said, that in his opinion the Government had adopted an unjustifiable course of conduct in this instance. He was ready to admit, that this was not the first case where the Government had interfered in favour of the masters. When did they ever interfere in favour of the men? A bad precedent would not justify such conduct. Admitting, for the sake of argument, that the men had been guilty of illegal conduct, the Government should not have interfered in this manner. The province of the Executive was to carry the law into force, and supposing that the men had been guilty of illegal conduct, the Secretary of State for the Home Department, and the Law Officers of the Crown, were responsible for having them prosecuted. But there was no prosecution; so that if the acts done were illegal, the Government had neglected its duty. The interference of the Government in this case was a commercial interference. The Executive had no right to take part in such a dispute. But he denied that anything illegal had been done by the men in this case. One of their objects was to prevent the masters from taking more than a certain number of apprentices; and how did they propose to accomplish that object? Not by threatening the lives of the masters—not by menacing the destruction of their property,—but by declaring, that if they would not agree to their terms, they (the men) would leave off work. They had a perfect right to do that. Every man had a right to say, that he would not consent to give his labour except upon particular terms. The master coopers could have canvassed the British dominions, Europe and America, for men to supply their places. If their places had been filled up, and that they had menaced those who had come to work in their stead, then indeed their conduct would have been illegal, and they could be indicted for it. But in this instance, he would repeat, the conduct of the men had been legal, legitimate, and within the law of the land. As long as the men were innocent, why should the Government punish them? [Sir *James Graham:* No punishment was inflicted.] This was a punishment. It was a punishment to interfere between them and the market for their labour. The right hon. Baronet said, that in this case the workmen were unreasonable, and that the master coopers were reasonable. That was a question, not for the Government, on the showing of the master coopers, but for the law to decide, the Government taking care that they kept within the limits of the law. The master coopers were perpetual combinators; not, indeed, in public houses, but in their own parlours. As to the Common-law, which the right hon. Baronet said the Bill of the hon. member for Middlesex had repealed, he had merely to observe, that the Common-law was what the Judges said was the Common-law. The average of wages which the right hon. Baronet had quoted, was not for the whole year—it was for only a part of the year, and for the men then employed. He understood that if the average wages of all employed throughout the year were taken, it would amount only to 20*s*. a-week, instead of 2*l*. 6*s*. 1*d*. as had been stated by the right hon. Baronet. If the wages were really so high in London, there would be an abundant influx of coopers from Ireland in search of employment. As to the certificate from the master brewers, he could state, upon the information which had been given to him, that the men who had signed that certificate had been compelled to do so by the master brewers. The right hon. Baronet had no doubt acted from the purest motives, but he was acting most mistakenly.

Mr. *Labouchere* said, that having assisted with his colleagues at the Board of Admiralty in making a minute inquiry into the facts of this case, he entirely agreed in the determination at which they had arrived. He was fully ready to admit, that it required a strong case, and very peculiar circumstances, to justify the Administration of the country in interfering in so delicate a matter as a contest between masters and men; but in the present case the state of our foreign trade, and the state of the merchant shipping, made it an imperative duty on the part of the Board of Admiralty to render that assistance which was required to prevent any injury being inflicted on the trade. It appeared to him, on a careful consideration of all the facts, that a stronger case of what was called combination, though steering within the limits of the law, could not be made out. The hon. and learned member for Dublin had asked, "Why did not the master coopers seek for other workmen throughout the country?" They did do so; and what was the consequence? Why, that in a few days, such was the complete system of espionage on foot, the employment of the new men was discovered by the combination, and they were obliged to join the opponents of the masters. It was said, that the Board of Admiralty had decided on an *ex-parte* case laid before it. The Board did not decide as to the step they should take until they had applied for information to a quarter the purest and the most impartial. They went, as had been already stated by his right hon. friend, to the great brewing houses for information on the subject. He must own, that he was astonished to hear the hon. and learned member for Dublin insinuate, that the signatures of the head coopers to the certificate obtained from the brewers had been procured by compulsion. It was only necessary for him to state the names of the firms against whom such an insinuation was made—the names of Barclay, Perkins, and Co., Truman, Hanbury, and Co., Whitbread, and Co., Hoare, and Co., and Taylor and Co.—to refute at once in the opinion of the House such an insinuation as that the head coopers in those establishments had been forced to sign the document in question. It was the imperative duty of the Government to interfere as it had done in this case, and he was confident when the whole Correspondence was brought forward that the House would arrive at the same conclusion.

Mr. *George Frederick Young* said, that in such an important matter, he should not, however he might expose himself to obloquy and popular odium, be deterred from expressing his sentiments. There were certain points laid down by the hon. and learned member for Dublin, which he (Mr. Young), not looking at them as a lawyer, but as a man of plain common-sense, considered open to refutation. It was quite true, that the acts of those men had been so admirably conducted as to be kept within the present law, but the consequences of those acts would be so injurious to the commerce of the country that it was the imperative duty of the Government not to interfere between the masters and the men, but to take measures to prevent the trade and commerce of the country from being suspended or greatly injured. A species of moral intimidation had been resorted to in this case for which the law did not provide a remedy, and for which, therefore, extra-legal remedies were required. The hon. and learned Gentleman had said, that every man had a right to dispose of his labour as he thought fit. Nobody disputed that principle, but that very principle was outraged by such a combination as this, which, with the most wanton tyranny, interfered with individual labour, and prevented each individual from using his labour as he wished. No one, surely, would defend the wanton and despotic tyranny exercised by these bodies. He must altogether deny the allegation of the hon. and learned member for Dublin, that the masters were in a perpetual combination. He could state, upon the best information, that there was no combination at all amongst the master coopers, and that there had been no Association of the Masters since 1825 up to the present strike. The hon. member for Middlesex had said, that there had been no disputes between the coopers since the repeal of the Combination-laws. The reason was this—that the masters were placed in such extreme dependence on the men, they dared not encounter them until the circumstances occurred that had given rise to the present dispute. He held in his hand an account of the wages which had been actually received by the coopers in one of the establishments in this metropolis. The account was for the last year, and the average for each individual was *2l. 2s.* per week for the whole year round, exclusive of beer which was *1d.* in the shilling, and chip-money, which would not be less than *2s.* per week, and one-fourth of the men in this establishment averaged sixty years of age. One individual workman there actually received out of the counting-house during the year *139l. 17s. 10d.* It was at such prices that the men were standing out, This, however, was not a question of wages. If the men could get *5l.* a week by proper means, there ought to be no objection to it; but he was sure that if the House instituted a rigorous investigation into the facts, the statement of the First Lord of the Admiralty would be completely borne out. It would be found that a system had been acted upon, which if continued would be destructive of the interests of commerce, which, in principle, was a most odious and execrable tyranny over private judgment, and would be fatal to social order. As regarded commerce, it would render us incapable of competing with foreigners, it would indeed effectually suspend all commercial transactions, for this was an evil for which it was impossible to provide a remedy on the spur of the moment. It was the tyranny of one set of men over their fellow men—an offence which could neither be too severely reprobated, nor too vigorously opposed. It was a fact, that men were not allowed to work except under regulations which were prescribed by these men. The hours of work were fixed—they were not allowed to work for more than twelve hours, nor even for this time unless adequate wages were obtained. What was the effect of these restrictions? In the general market labour existed redundantly, and we had various schemes of emigration to take off the superabundant labour. The Government were not stepping in between the masters and their workmen, but between one class of his Majesty's subjects and another, to relieve them from oppression. He had stated his opinions freely, feeling that he was the best friend of the poor man who boldly and fearlessly told him the truth.

Mr. *Fryer* said, that he was decidedly opposed to trades' unions though he was a Radical Reformer, and for this reason, that they would do the workmen no good. It was impossible for them to raise the wages beyond what the masters could give them, and the combination of the masters was ten times worse than that of the men. The combination which he wanted was a combination against the right hon. Baronet—a combination against the Corn-laws. Then the men would be satisfied with what the masters gave them, for if the Corn-laws were repealed, the masters could pay them well. He repeated, that those men who combined against the masters should combine against the cursed Corn-laws. He would resist a combination against the masters, because the masters could not give more money. He employed from 200 to 300 men. Within the last eight months they had twice thought they would benefit themselves by working no more with him, and they accordingly stopped. He told them that they might do so if they pleased, for that they could not compel him to give them more money, as he had not the means of doing so; but that, instead of combining against him, they should join with him in resisting the cruel combination of the landlords, and getting those accursed Corn-laws repealed; that then their masters would be enabled to pay them properly, and to give them three barrels of good American flour instead of two. The remedy for all these complaints was for the masters to join with the men, and the men to unite with the masters, against the cruel Corn-law.

Mr. *Baines* remembered on a very recent occasion that an application had been made to Government to interfere on behalf of the masters against a most formidable trades' union. To that application the Government had in his judgment given a most judicious answer—namely, that the law gave the applicants sufficient power, that the Government would therefore not interfere, and the matter must be settled by the parties themselves. Such was the reply which had been given to the application of the master cloth-workers in Yorkshire some time since; that reply was most sensible and judicious, and had been hailed as such by all parties. The Government had in that instance done well to abstain from interfering, and especially in avoiding to join with the strong party against the weak. He was at a loss to conceive any reason why the coopers of London should have been interfered with any more than the cloth-workers of Yorkshire. Though it had been urged that the combination complained of would have had the effect of stopping the course of commerce, and that the ships for the Russian and other trades could not have gone to sea, yet he most unhesitatingly said, that the Government, by the course which had been taken, had placed themselves in a most awkward and disadvantageous situation. They had arrayed the feelings of the great body of the labouring population against them by their interference in this matter. Anxious as he was that the present Government should on all occasions act in such a way as to conciliate the public confidence, and assured as he felt, that no body of men were better qualified to administer the public affairs of this great nation, he could not but regret extremely that they should in this instance have placed themselves in a situation so much at variance with their own principles, and so totally incompatible with the commercial freedom of the country. As to the argument which had been employed to justify the course pursued by the Government—namely, that the law was defective and insufficient to meet fully the peculiarities of the present case, his answer was, reform the law, but do not bolster it up, and place the relative position of masters and workmen in so critical a situation, by such an interference as had been made in the present case. He entertained a firm conviction that the Government could never act better or with more strict propriety, than by saying to the masters, on a similar application, "This is a business of your own, deal with it as you think best; you shall have all the protection we can give you in enforcing the law, but we will not otherwise interfere between the conflicting parties." The adherence to this principle would be productive of satisfaction to all, whilst its violation would be a reproach to the Government of the country.

Lord *Althorp* said, the subject which had been brought before the House was one of importance, involving as it did a great general principle. He was ready to throw aside the question of amount, and to admit, that the labourer was justly entitled to sell his labour at the highest price. He concurred with the hon. member for Leeds that the Government ought not to interfere in questions raised between masters and workmen, unless, he must add, very particular reasons on a particular case were assigned. What, then, was the present case? It stood thus: that the working coopers combined not only for the purpose of obtaining an increase of wages, but also to decrease the supply of workmen from other quarters, and though the combination had not been guilty of, or resorted to, any act which could be strictly called illegal, yet he (Lord Althorp) did think that a combination to prevent employers having free scope in the market of labour, and free power to hire what workmen they pleased, could not meet the approbation of any person who deliberately and dispassionately would consider the subject. But it would be found, that the combination in this instance was not merely against masters but also against men, against workmen who claimed (and justly claimed as had been argued) to sell their labour at the best price. Their fellow-workmen had, however, combined to prevent them carrying this object, and though the combination thus directed had done nothing that could be strictly termed illegal, yet it must be admitted it was a mode of action severely to be deprecated. The hon. member for Leeds had argued that the proper manner to meet this state of things was for the Government to propose an alteration of the law as at present existing. For himself he did not think any such alteration necessary; for he believed that if the Government did their duty by upholding the masters when contending for their just and legal rights, such a system of combination as that to which he had last alluded would be put down. The peculiarities in the present case were not limited to the two objects he had already stated, but went also to prevent the instruction of apprentices. [Mr. *Roebuck*: Such was common in every trade in England.] Such might be the case; but he knew enough of the hon. Gentleman's opinions to believe that the hon. Gentleman would think such an interference most improper. The combination in question had produced the effect of putting the master coopers entirely under the control, not only of those whom they were ready to employ, but also under that of a minority of the working classes. It was, then, under these circumstances, that the master coopers took that course which every hon. Member had admitted was justifiable—namely, to bring up workmen from the country, who from not entering into the views of the combination, in a very short time found their situations so disagreeable that they soon expressed a desire to return home. Such was the system of tyranny pursued—tyranny not merely upon the masters, but on the labourers who were willing to take the employment which was open to them. The application was made to his right hon. friend (Sir J. Graham), and the course which had been pursued was in his judgment perfectly justified under all the circumstances. That course had not been followed upon the decision of his right hon. friend alone, for he (Lord Althorp), in conjunction with his colleagues, had agreed that this was a case in which the Government were called upon to act. He did not put the case as one of precedent, but relied upon the case itself; and he repeated that in an instance when the combination operated both against masters and workmen, the Government were justified in giving that assistance which they had afforded. He regretted exceedingly that a system prevailed in this country by combinators of picking, as it was called, or in other words of setting spies upon workmen, who dared not venture to enter a manufactory against which the combination was directed. That system was productive of much greater intimidation to the men than the masters. He (Lord Althorp) had agreed with the hon. member for Middlesex in repealing the Combination-laws, but he must say, that if such a system was persisted in, it was impossible the law could be allowed to remain as it at present stood, or that the price of labour should be allowed thus artificially to be raised.

Mr. *Roebuck* said, that this was not a question merely of trade; it concerned the whole form of society. The course pursued by Government might rouse a spirit now slumbering in the country, which, in a few months hence, might be in a condition differing very much from that in which it was at present. He denied the peculiarity of this case. Most trades refused to allow more than a limited number to be instructed in the business. He might instance tailors—and attorneys, who were prevented by an Act of Parliament from having more than two articled clerks. In his opinion, labourers were perfectly justified in entering into those combinations, as long as they avoided violence or intimidation. But now the Government came in to the assistance of the more powerful party, which had other means to evade such combinations, besides counter-combinations—namely, their capital. There was a manifest injustice in this; for if the hands of the labourer were to be bound up—if he was not to be allowed to obtain the greatest value in his power for his labour, he would no longer be on an equality with his master. The interference of the Government was, therefore, a breach of that equality which ought to be held between the master and labourer, and was not justifiable by any arguments that could be brought in its support. He had observed from an illegal newspaper which was published, notwithstanding the Stamp-law of the noble Lord opposite, and was called the *Trades' Union Newspaper*, that the trades had now come to an understanding, deprecating the mode in which all former strikes had been made, and stating them to have been a total failure, and that they had now resolved to try a new method by which to effect their object—namely, that instead of maintaining idle the labourer out of work they should themselves employ him. By these means it would be seen the Trades' Unions would become capitalists, and being so would thus keep up the rate of wages. But there was one thing which he would venture to press upon the noble Lord and on the Government, and that was, that there was a better mode of conveying to the labourers a sense of the truth of that fact, than by direct interference on the part of the Government. It would be a much better and more effectual mode of making them sensible of their error, to discuss the matter with them in such language as would come home to their understandings; and the best means of doing so was, by rendering accessible the ordinary channels of instruction. If the public Press were accessible to all classes, they should be able to convince the labourer, through its means, of the justice of that perfect equality which ought to exist between the master and the labourer, and with which the Government now so strangely attempted to interfere. If the right hon. Baronet at the head of the Admiralty were to take that mode of putting all parties in the proper position, he would find it a more efficient and more respectable mode than that which he had adopted. He admitted, that violence, threats, and intimidation had been used by the trades' unions; but he contended that those threats, and that violence and intimidation, were in consequence of the influence of the Combination-laws, and that they had decreased since the repeal of those laws. He regretted, that the noble Lord had ever mentioned the possibility of the re-enactment of the Combination-laws. Those laws had been repealed after much clamour and excitement; but, by to-morrow morning, millions would hear that the noble Lord had stated from his place in that House, that circumstances might call for their re-enactment. He (Mr. Roebuck) considered that nothing could be more dangerous to the country at large than the bare suspicion that such a project should be in contemplation. As to that intimidation which had been spoken of as "moral intimidation," he did not think it could be called intimidation at all. It was only an exercise of that right which they were undoubtedly entitled to exercise, of using all peaceable means of obtaining a just equivalent for their labour. The hon. Member concluded, by hoping, that the necessity of enlightening the people upon this and other subjects, would be an inducement to the noble Lord, the Chancellor of the Exchequer, for repealing entirely the Stamp-duty on newspapers.

Mr. *Thomas Attwood* thought it highly imprudent on the part of the right hon. Baronet in thus throwing himself into the breach on the present occasion. These combinations were not confined to any particular trade or any particular locality; the principles extended throughout England and Ireland, as well as France and other parts of the Continent. Government were, therefore, premature in making war upon the poor journeymen coopers, and would have acted a more noble part if they had turned their arms against the Emperor of Russia, as they ought to have done. The hon. Member knew, that, since the present Combination-laws, there had been a general fall of prices all owing to the change in the currency. The workman had as good a right to keep up his paper wages as the First Lord of the Admiralty had to take his paper salary or paper rents in gold, or as the fundholders had to their paper dividends being paid in the same metal. He knew, from his own inquiries, that in Birmingham, in 1822, when meat was *3d.* a-pound, and bread cheap in proportion, that the wages in paper money were about double what they had been in 1792. Yet the workmen would not consent to receive lower daily wages, and would work sometimes only three days in the week at full prices rather than take employment for the whole week at a reduced daily rate. He knew very well, that masters could not afford to pay these wages, yet he could not blame the workmen for trying to keep them up. They were quite justified in combining for the sake of their families, provided they used no improper acts of violence or intimidation. If the masters found themselves aggrieved, let them come hand in hand with their workmen to the noble Lord (Lord Althorp), and demand that free circulation of the currency, and that relief from burthens to which they were fairly entitled, and without which the country could not much longer go on. It was better for the noble Lord at once to seek refuge from the crowd.

ing demands of the people in the regions of paper money, and no longer advocate a system that must spread discontent and confusion throughout the country.

Mr. *Robert Grant* said, that he had been charged to present a petition from a large majority of the master coopers of the Metropolis—a petition which was signed by about nine-tenths of the whole of that body, and he regretted that the forms of the House had prevented him from presenting it before the debate began. With regard to the arguments used by the Gentlemen who spoke on the other side of the question, he considered that they were all based on an obvious fallacy. Hon. Members talked as if the Government had used, or were about to use force, to oblige the workmen to come into the terms proposed by the masters. But was that the case? Had the Attorney-General taken any steps on the part of the Government to punish those labourers who refused the terms offered? or had the Government called out the military to the assistance of the master coopers, to force the workmen to work for such wages as they chose to offer? No such steps had been taken; yet it was on this misconception that the whole of the arguments of the hon. Gentlemen opposite were founded. It had been argued that the labourers had a right to exact the best price they could obtain for their labour. He admitted that; but if labourers had, on the one side, the right to ask a full equivalent for their industry, surely the masters were entitled to a like privilege, and, if aggrieved, were entitled to seek assistance from individuals or from corporate bodies, from the public or from the Government. He did not mean as Government, but in their capacity as traders; and if they, the masters, could legally ask the assistance of the Government, it was a solecism to say, that what they could legally ask, Government could not legally grant. Yet that was the whole of the argument of his right hon. friend. He was satisfied, that, in the petition which he held from the master coopers, they stated nothing that they could not substantiate; and if, as he found from it, the workmen could, without illegality, form a combination to reduce their hours of labour from sixteen to thirteen hours, and subsequently to twelve hours, and yet demand the same amount of wages for the shortest period which they had for the longest, he would say, that the masters had just as much right to form a combination among themselves to bring down wages as the men had to keep them up. The object of both was legal, and each had a right to pursue it in his own way. He (Mr. Grant) was always opposed to the old Combination-laws, and nothing would induce him to support the re-enactment of those laws. But his noble friend did not say, that it was the intention of Government to re-enact them. All his noble friend said, was, that such was the state to which those combinations were bringing the country, that if it continued, the masters might have it in their power, with some colour of reason, to call upon the House to re-enact those laws which had been repealed, and which he should be sorry to see re-enacted. It was a painful duty which devolved upon him to make this statement, as it might have the appearance of opposition to the working classes, but he made it on the ground of justice to all parties. He had such confidence in the good sense and feeling of justice of the operative classes, that he felt sure they were not capable of those excesses, which would make it necessary either for Government or Parliament to express any opinion on the subject of the Combination-laws; and as long as they continued as they at present stood, any interference would be unnecessary.

Mr. *O'Reilly* said, that under the present system of combination, there was no such thing as free trade for the industrious and honest artisans of the country. Combination met the free exercise of industry at every turn. He would, by way of illustration, state the case of the master shipbuilders of Dublin. They were forced to employ old and comparatively useless men, because the young men who were brought within the vortex of combination, would not, or dared not, work for them. If a ship required repairs, she could not be repaired in Dublin, but the ship-owner was obliged to send her to England or Scotland, there to be repaired by Irish artisans, perhaps, who could not find employment at home. In his own parish, consisting chiefly of a fishing population, the fishermen could not get their boats mended by giving wages common to carpenters all round the country. There were a few persons there who monopolized the ship-carpenters' business, and they required double wages. There was no one more unwilling than he was to revive the Combination-laws. But if threats and combinations were carried to a successful point by the labourers, then he hoped there was a moral power in the country, or in the Government, to offer a successful resistance, and that no master would be prevented from employing as many labourers or apprentices as he pleased.

Motion agreed to.

Prosecution of the Pilot.] Mr. *O'Dwyer* moved for a return of the amount of costs payable to the Crown Solicitor, and the sum to counsel engaged for the Crown in the case of the King *v.* Barrett, tried in the Court of King's Bench in Ireland, in Michaelmas Term, 1833; with a specification of the various occasions, whether on motions, arguments, opinions, consultations, trial, or otherwise, counsel received fees; describing when counsel appeared in Court, the number of counsel employed or consulted on each occasion, and a statement of the rank of all counsel employed, and their names, and the amount of fees paid to each on the several occasions, and in the aggregate. The single prosecution against Mr. Barrett cost 700*l.* Such an enormous sum should be accounted for. It was known that 50,000*l.* had been expended by the Government in criminal prosecutions in Ireland, and the country ought to know how so much money was expended, There was one peculiar feature in the late prosecution, and it was, that an eminent barrister, who was never employed in that department of the bar, but who might have been employed by the traverser, was retained by the Government; and the object was to buy him up. He did not wish to impugn the motives of the Attorney General; but then he was a member of the Privy Council, and advised prosecutions which he was afterwards to conduct. He would not say, that the Attorney General advised prosecutions to pocket the fees, yet he should say, that it was not advisable to give a lawyer an interest in prosecutions. He wished to direct the attention of the House to the very imperfect manner in which the return of the correspondence between the Government and the Stamp-Office, relating to the suppression of the *Pilot* newspaper, had been made. The return did not set forth the letter written by the right hon. Gentleman, the Secretary for Ireland, directing the attention of the Stamp Office to the Act of Parliament, as it should have done; the way to explain this, as certain advocates of the Government had tauntingly defied any attempt to show that the Irish Government had interfered, or that the proceeding, which had excited so much condemnation, was not the work of the Stamp Office alone. He was certain that the right hon. Gentleman, the Secretary for Ireland, would not hesitate to give every explanation on the matter, in order that the credit or discredit attaching to it should be appropriated to the right quarter.

Mr. *Littleton* begged to say, in reply to the call made upon him by the hon. member for Drogheda, that he had already twice or three times over, in reply to the hon. Gentleman himself, explained the transaction. He now begged leave to repeat a communication which had been addressed to him by a person in Ireland, whose name he did not feel himself called upon to disclose, directing his attention to the clause of the Act of Parliament which applied to the case. It was not in his department to deal with this information; and he, as was customary in official matters, desired his private secretary to transmit this letter, addressed to him, to the department to which it referred. He had reason to believe, however, that before he had sent the communication made to him, the Stamp-office department had determined to adopt the course which they ultimately did. He had no objection to the production of the bill of costs, but then he hoped that the House would be put in possession of the particular expenses incurred in the several stages of the prosecution. The ordinary expenses of the prosecution would be undoubtedly light, and the additional expenses arose from the delays, vexatious he would not say, and the opposition caused. As to the number of counsel employed, he would say, that as many had been employed in criminal prosecutions in England—Sir James Scarlett employed as many. It was usual, in Ireland, to employ the Serjeants and the senior King's Counsel in such prosecutions, and, in case any accident might occur to prevent their attendance, to give retaining fees to counsel to fill their places. Now it so happened, that the Solicitor General, Serjeant Pennefather, and Serjeant Perrin, were absent from Dublin, and the Attorney General directed that Mr. Holmes, the Gentleman to whom the hon. Member alluded, should be employed in their absence. That was the cause why so many lawyers were employed; eight, or even seven, were, perhaps too many, but he had stated the reason for employing eight. He would tell the House, that the Attorney General, though a member of the Privy Council, was not consulted about those prosecutions. He had neither voice nor influence in directing them, and from that learned Gentleman's well-known liberality in pecuniary matters, of which he had some knowledge, he was far above encouraging prosecutions for the sake of making money. The right hon. Secretary then moved an amendment, to the effect that the return of costs should distinguish the proportion of costs in the several stages of the prosecution.

The Motion, as amended by Mr. Littleton, was agreed to.

LEAMINGTON PETITION.] Mr. *Tancred* rose to move for the discharge of the order appointing a Committee to investigate an imputed breach of privilege in the affixing of false signatures to a petition from Leamington Spa, praying for the extension of the elective franchise to that town. He did so on the ground that there had been no petition complaining of injury presented. When the Motion was made by the hon. and learned member for Dover for the Committee, the noble Paymaster of the Forces had objected to it, on the ground, that there was no petition of complaint before the House; upon which the hon. and learned Member had said there was, and the opposition of the noble Lord was at once withdrawn, and the Committee agreed to. Now, upon examination, it appeared that there was no petition as stated by the hon. and learned Member. Of course the hon. and learned Member had been mistaken, and had conceived a petition presented by a noble Lord (Eastnor) to be one of complaint; whereas its only prayer was, that the franchise should not be extended to Leamington. Such being the case, he trusted that his Motion would not be opposed; and if it were, he should feel himself bound to persevere in the Motion which he had submitted yesterday, and which was, that the petitioners signing the petition complained of, and who had petitioned to be heard before the Committee by their agents or Counsel, might be so heard. He moved to discharge the order for appointing a Committee on the Leamington Spa petition.

Mr. *Hughes Hughes* seconded the Motion. He did so chiefly on account of the great and useless expense the Committee would occasion should it be continued. He must remark, that the Leamington petitioners appeared to be very unfortunate. The noble Lord, the member for Reigate, had presented a petition the other evening purporting to come from above 500 of the householders rated at above 10*l.* in the town of Leamington. Now, that was the third petition which had been presented; and he was informed that one-half of the signatures attached to it were not those of 10*l.* householders, that fifty were the signatures of females, that forty were names signed twice over, a few names were signed three times, and one four times. He thought that the hon. and learned member for Dover, seeing the error he had been led into in stating there was a petition of complaint when there was none, would not offer any opposition to the Motion.

Mr. *Halcombe* felt confident, he could satisfy the House, that there were no grounds for the Motion of the hon. member for Banbury. A petition had been presented to the House, signed by 757 out of 850, the total number of the 10*l.* householders of Leamington Spa, praying that that place might not be included in the boundaries of the borough of Warwick. Some time after the Warwick borough Committee published a report, in which they stated, that the petition to which he had just alluded had been referred to them as well as another petition numerously and respectably signed by inhabitants of Leamington in favour of the extension of the franchise to that town. When this report was known at Leamington, it excited the utmost astonishment amongst the inhabitants, because, as he had before said, out of the 850 10*l.* householders in Leamington, 757 had signed the petition against the proposed junction of the two places. The petition to which the Committee referred in their report in favour of the extension of the franchise to Leamington was cunningly worded, for though at the commencement it was described as the petition "of the undersigned inhabitants of Leamington," it concluded by praying "that the boundaries of Warwick might be extended to Leamington, in order that your petitioners may vote at all future elections for members for that borough." This was intended to convey the impression, that the persons signing the petition were 10*l.* householders, because no other description of persons would be entitled to vote in the event of the Warwick franchise being extended to Leamington; 418 signatures were affixed to this petition, of which he would undertake to prove, on the authority of most respectable persons, no less than 281 were fictitious. The most diligent inquiries had been made in order to ascertain whether the 281 signatures attached to the petition were those of inhabitants of Leamington, and the result was, that only seventeen were found to be so, but all the seventeen whom those names represented had signed the petition against the extension of the franchise to Leamington. The House might form some idea of the manner in which the petition had been got up from the circumstance which he was about to mention. One of the witnesses examined before the Committee which had been appointed upon his Motion stated, that he and his father-in-law were sitting in a public-house in Leamington, when two mechanics entered with the petition, and asked them to sign it. They refused, stating, that they had signed the counter-petition. The mechanics, however, in defiance of their objection, signed their names to the petition. The Committee would have ended its labours ere this, had it not been for a mistake on the part of the hon. member for Banbury. The hon. Member entered the Committee on the last day of its sitting, and introduced Mr. Joseph Parkes as agent for some persons who had petitioned the House, praying that they might be heard by their counsel or agents in support of the genuineness of the petition which was complained of as being spurious. He asked the hon. member for Banbury whether the House had ordered the petitioners to be heard by their agents, and the hon. Member answered in the affirmative; but it turned out that the House had made no such order, but merely referred the petition to the Committee. In consequence of this interruption, the labours of the Committee had been suspended, and the witnesses detained in town. The hon. member for Banbury now appeared to think, that it was improper that the Committee should proceed with the inquiry, because no petition had been presented from any of the persons whose names were alleged to be signed to the spurious petition; but he thought, that this argument was untenable. Could it be maintained, that a Member acquainted with a breach of privilege was not at liberty to institute an inquiry into the subject? Was he to stand in a worse situation, in this respect, than a person out of doors, who might present a petition? It was said, that he was not the party aggrieved; but the House was the party aggrieved, and was bound to vindicate its own honour. The course which he had pursued was not without precedent. In the Journals of the House, vol. 84, page 187, (anno 1829), was the following entry:—"Complaint was made to the House, that one of the names annexed to the petition from certain Protestant inhabitants of Kilrea, against the Catholic claims, was a forgery.—Ordered, that a Committee be appointed to inquire into the facts of the case, and to report the same, with their observations thereon, to the House." The Committee was accordingly appointed, with powers to send for persons, papers, and records: and the petition to which the fraudulent signature was affixed was referred to it. The transaction was thus described in *Hansard's Debates:*—

Mr. *Dawson* read a letter which he had received from the Rev. Mr. Waddy, of Kilrea, who stated, that having seen in the newspapers a report, setting forth the presentation by Sir George Hill of a petition from that parish against the Catholic claims, to which his name was said to be subscribed, he felt it his duty to notify, that the signature of his name must be a forgery, as he never signed, or authorised the signing of, his name to such a petition. It was singular enough, too, that this very petition dwelt with particular force upon the gross artifices which were imputed to the Catholics to create perjury and immorality. He meant not to proceed further than to expose the grossness of this forgery.

The *Speaker*: I hope that the House, when circumstances so strongly affecting a most valuable right of the subject, and so deeply affecting the dignity and character of this House, are stated to them, will not fail to do their duty. If they do not, I will venture to say this is the first time when such a proceeding was passed over. If the hon. member should decline to proceed, some hon. Member will, I am sure, take the matter up.

Sir *George Hill* said, that as he had presented the petition in question, the House would naturally expect some explanation from him. All he could say was, that the petition was enclosed to him by Mr. Digby, a Magistrate of the neighbourhod, who apprised him that it was most respectably signed. Mr. Digby and Mr. Waddy were both most respectable gentlemen; and it surprised him that the latter did not at once require from the former some explanation of the matter. It puzzled him altogether, and he knew not what to make of the business. He should not, of course, oppose any investigation.

Mr. *Hume* said, he would make a Motion upon the subject if no other Member gave notice of one.

Mr. *Dawson* said, that having been the person who brought the matter forward, he should not shrink from prosecuting the inquiry, and would therefore move for a Committee to inquire into the facts of the case.

A Committee was accordingly appointed.*

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* Hansard (new series) xxi. p. 22.

In that case only one signature was forged, but in the present case 281 were alleged to be so. He held in his hand a petition from some of the parties, who were prepared to prove that their names had been signed to the petition without their knowledge and against their wish; but he had not presented it, because he wished the case to stand as it was.

Mr. *Tancred:* What is the date of that petition?

Mr. *Halcombe*: A petition has no date.

Mr. *Tancred:* When did the hon. Member receive it?

Mr. *Halcombe* would answer the hon. Member presently. The hon. Member's present Motion could have no other object than to stifle inquiry. The whole of the seventeen persons whose names had been falsely affixed to the spurious petition would have signed the petition which he held in his hand, had it not been for a notion which prevailed that if they did so they would be precluded from giving evidence before the Committee, and, therefore, in order to be on sure ground, he recommended that no more than two persons should sign it. He had put his name down to present the petition two days ago, but on reflection he thought it better to leave the case as it stood. When he first stirred in the matter, he stated that he acted on his own responsibility, and by that declaration he was prepared to abide. He had undoubtedly made a misrepresentation, but the hon. member for Banbury was good enough to do him the justice to say he was convinced the misrepresentation must have been unintentional. He had made this statement upon the authority, or rather he should say upon the supposed authority, of the noble Lord on his right, who presented the petition. When he moved for the Committee, it was opposed by the noble Lord, the Paymaster of the Forces. He was annoyed at the moment, that the measure before the House should be thus hindered from going on, and the noble Lord said there was no petition. He asserted that there was a petition. He believed so at the time; he had received a communication from the parties, who stated, that their desire was, to address the House, and he afterwards received a letter adding, that the petition was to be intrusted either to him or to the noble Lord, and this without delay. Several days elapsed; he looked to the precedent he had already quoted; and he thought it better to state what he had to submit to the House upon his own authority as the ground for a future Motion. He heard that the noble Lord on his right had presented a petition from the inhabitants of Leamington, referring to the former petition, and this petition he at once believed to be the petition which was expected, and which had been on the road directed to him or to the noble Lord. In conclusion, he protested against their now stopping short in the inquiry, for the purpose of screening somebody. The Committee had called on the hon. member for Banbury to declare from whom he had received the petition. The hon. Member declined to do so,—a course which he should not have felt himself justified in pursuing. The hon. Member had, by this refusal, thrown all manner of difficulties and inconveniences in his way.

Mr. *Hughes Hughes* observed, that a regular hoax had been practised on the hon. member for Dover. Seventeen men with similar names to those inscribed on the petition had very truly sworn that they had not authorised the signatures, or themselves affixed them; but the fact was, the seventeen men who had actually signed were ready to come forward and swear that they had done so.

Lord *Eastnor* said, that in presenting the petition to which the hon. member for Dover alluded, he had stated, that it referred to the petition of last year. He was extremely sorry that there had been any misunderstanding on the subject. He could not vouch, of course, for the correctness of each and every signature to the petition; but he had spared no pains to ascertain their authenticity; and he had been assured by a man on whose veracity he placed the fullest reliance, and who had collected the greater number of the signatures, that they were perfectly genuine. He begged to say, that he should be inclined to dissuade the hon. member for Dover from pressing for an inquiry to prove a negative with respect to all the names, on account of the inconvenience and expense which it must necessarily occasion. He would prefer having the inquiry limited to those who described themselves as 10*l.* householders.

Mr. *Abercromby* said, that as he meant to concur in the Motion of the hon. member for Banbury, he wished to state the grounds upon which he did so. He certainly did not support the Motion with a view, either directly or indirectly, to suppress inquiry. He begged utterly to disclaim any such feeling. He conceived that the question which the House had to decide was, whether it was fit and proper to appoint such a Committee as that which had been granted, simply upon the assertion of an individual, without any petition for inquiry. The case which the hon. member for Dover had quoted, proved any thing but a case in favour of the position which he sought to establish, because, in that instance, the statement made was supported by the letter of an individual addressed to an hon. Member, and that hon. Member read that letter in his place in the House. That authority was equivalent to any other authority which the House would demand. The hon. Gentleman had adverted, in terms not the most courteous, to the name of Mr. Joseph Parkes. He had the authority of that Gentleman to state, that he was as ignorant of the petition to which the hon. Member had referred, until it was submitted to the House, as either the hon. and learned Gentleman or himself could be. He begged to state this upon the authority of Mr. Parkes himself, a gentleman who was as incapable of misleading him or any man as any hon. Member in that House could be; and therefore upon his authority he spoke with perfect confidence as to the accuracy of his information.

Lord *Granville Somerset*: As a member of that Committee which the hon. and learned member for Banbury had designated as one from which justice could not be obtained, he now called upon him to consider the nature of the imputation he had cast upon the Committee, and he asked him to come forward and declare what act of the Committee, or of any member of it, had given fair ground for such an imputation. The only mistake made by the Committee arose from a mis-statement of the hon. and learned Gentleman himself. That hon. and learned Gentleman assured the Committee, that the House had come to a vote to which it had not come; and in consequence the Committee was thrown into difficulty as to obeying the orders of the House, and at the same time conducting the inquiry with justice and impartiality. He did not accuse the hon. and learned Gentleman of wilful mis-statement; but when he was so prompt and eager to make charges against others, it was well for him to be reminded, that even so learned a Member as himself was sometimes liable to act incorrectly. He trusted that the hon. and learned Gentleman would now see reason to withdraw the charge he had made, when it was thus put to him. Now, as to the reasons upon which he would ground his vote. If the hon. Member had used the same arguments on the question that a Committee be granted, that he had urged that night, they might have been valid, and made the House pause before they granted an inquiry; but it was now too late, after a Committee had been appointed, witnesses brought forward, and expense incurred. There was, if not great doubt respecting the signatures to the petition, at least great irregularity concerning it; and he considered, that at the present stage, the inquiry should be suffered to proceed, which perhaps the House would originally have been justified in refusing. It was his opinion, that if the inquiry went on, the accused parties would have an ample opportunity of exculpating themselves, if they possessed the evidence necessary for that purpose, which he was far from saying they did not. Of one thing there had been the strongest assertion, and it was therefore well worth inquiring into further—namely, that many of the signatures had been most improperly obtained; and he confessed, for that, as well as for other reasons, that he did not see how the Committee could be stopped in its present stage; for if he were the most eager partisan of the persons accused, he should still think a continuance of the inquiry would be for their advantage. Surely nothing could be more unfair to their characters than to stop the inquiry after five or six witnesses had been heard. The only apprehension he had arising from the possibility of the proceedings being abruptly stopped was that he felt a strong anxiety to deliver, as it were, a just verdict; and that, of course, he could not do on imperfect testimony. It would now be inconsistent with the most obvious principles of justice to arrest the progress of the inquiry. At the commencement of all inquiries, it might be very necessary for the House to be extremely cautious how they set anything of the sort on foot, but the case was widely different when they came to deal with proceedings not only entered on but considerably advanced. It might be said, that the continuance of the inquiry would cost a certain number of pounds, and that, upon economical grounds, it ought not any further to be pursued. To that he had only to reply, that he hoped the House, however attentive to economy, would pay some regard to justice.

Lord *John Russell* wished, that the House could have the advantage of hearing from the Chair what the usual practice in such cases had been.

The *Speaker* said, that, as well as his experience and recollection prompted, the usual practice was, that the Committee was appointed on the complaint, and at the instance of some person or persons interested, made in some shape or other, but generally in the form of a petition. A case had been referred to, which had been brought before the House not in that form. It was true there was such a precedent; but then the complaint was made in a written letter, which gave it some sort of formality, and was read by the hon. Member to the House, which thereupon granted the Committee. In adopting this course, he (the Speaker), believed the House was influenced by the consideration that a letter had in some sort the effect of a petition, and inferred a responsibility. The House would, in this instance, exercise its own discretion, but the practice was, to take care that the grievance complained of should be substantiated by the assurance and responsibility of some party aggrieved, and therefore to require something more than a mere statement. On this practice, and believing that some person aggrieved was accessory to the complaint, the House granted the Committee. Many hon. Members and he were of opinion that a petition existed, which afterwards turned out not to be the case, as no petition had been forwarded. The Committee had been appointed, and had made some progress in their inquiry, when this was discovered to be the case, and under these circumstances the noble Lord put the question whether it would be more regular to proceed with the inquiry, or to discharge the Committee. He did not think it would be irregular to discharge the Committee. The House was at liberty to reconsider its vote upon the matter, and if it believed it more conducive to the ends of justice to discharge the Committee, the House certainly had it in its power to do so. But if the matter had already proceeded so far that there would be a difficulty in retracing its steps, and if by the inquiry, as hitherto proceeded in, matters appeared greatly involved, the House should then be guided by circumstances, and resolve accordingly.

Lord *John Russell* observed, that when a statement was made, not in the form of a petition, but in that of a statement through an hon. Member, the details ought, in his opinion, to be brought minutely and distinctly before the House. Having heard from authority the practice of the House in such cases, and bearing in mind the obvious inference to be derived from it, they ought, in his opinion, to be governed by that.

The House divided—Ayes 55; Noes 9—Majority 46.

The Order for the Attendance of the Committee was accordingly discharged.

List of the NOES.

Eastnor, Lord
Inglis, Sir R. H.
O'Dwyer, A. C.
Pringle, R.
Shaw, F.
Skipwith, Sir G.
Stormont, Lord
Willoughby, Sir H.
Vyvyan, Sir R.

TELLER.
Halcombe, J.

HOUSE OF LORDS,

Friday, March 14, 1834.

MINUTES.] Bills. Read a third time:—Marine Mutiny.—Read a second time:—Sugar Duties.

Petitions presented. By the Earl of CAWDOR and the Earl of DURHAM, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of ROSEBERY, from certain Inhabitants of Greenwich, against the present System of Church Patronage in Scotland.—By the Duke of WELLINGTON, from a Number of Places, for Protection to the Church of England.—By the Duke of WELLINGTON, the Earl of ORFORD, and Lord KENYON, from a Number of Places,—for the Repeal of the Duties on Malt and Hops.—By the Earl of DURHAM, and the Bishops of St. ASAPH, CHICHESTER, and BANGOR, from several Places,—for the Better Observance of the Sabbath.

HOUSE OF COMMONS,

Friday, March 14, 1834.

MINUTES.] Bills. Read a third time:—Equitable Apportionments.

Petitions presented. By the Earl of KERRY, Sir ROBERT PRICE, Colonels LANGTON and WOOD, Messrs. BUCKINGHAM, PEASE, RICHARDS, PHILPOTS, RIDER, BISH, and B. KING, from a Number of Places, and Dissenting Congregations,—for Relief to the Dissenters.—By Mr. WIGNEY, Colonel WOOD, and Mr. BYNG, from three Places,—for the Better Observance of the Lord's Day.—By Mr. T. DUNDAS, from the Tea-dealers of York, for the Amendment of the Tea Duties Act.—By Mr. RUTHVEN, from several Places, against Tithes in Ireland.—By Lord DALMENY, from Dunfermline and Perth,—for the Abolition of Lay Patronage in Scotland; and for the Repeal of the Stamp Duty on Receipts.—By Mr. SHAW, from Drogheda, against the Apothecaries Act; from Weathersfield, against any Measure tending to weaken the Efficiency of the Established Church.—By Mr. HARDY, from the Handloom Weavers of Bradshaw, for Relief.—By Colonel WOOD, and Mr. RIDER, from Cranbrook, &c.,—against the Duties on Malt and Hops.—By Mr. O'CONNELL and Mr. RUTHVEN, from several Places,—for the Repeal of the Union.—By Mr. PEASE, from Stockton-upon-Tees, for the Abolition of Church Rates.—By Mr. O'CONNELL, from Dublin, in favour of the Kingstown Canal.

IRISH FISHERIES.] Mr. *O'Connell* presented a Petition from the fishermen of the salmon fisheries on the rivers Barrow and Nore, signed by about 1,000 persons, complaining of great distress. They stated that they obtained a good livelihood until about five years ago, when a company was formed in Scotland to fish on those rivers with stake nets. That company was, in his opinion, perfectly illegal, by two Statutes, namely, the 28th Henry 8th, cap. 22, and the 10th Charles 1st, cap. 14. Some time ago a private individual prosecuted a party for using those nets on the Shannon, and a verdict of 40*s.* damages was obtained, thereby establishing the illegality of the use of stake-nets. As, however, the Statutes did not give costs, the plaintiff was put to the expense of 400*l.*, and, consequently, persons, particularly in the condition of poor fishermen, were deterred from further prosecuting. The former Statute empowered the Sheriff and his officers of the three counties of Kilkenny, Carlow, and Waterford, on notice being given to them, to destroy weirs. The petitioners had applied to the Sheriffs, and on their refusing to act applied to the Government, who, however, postponed any reply until a case between the Duke of Devonshire and Mr. Smith, which was then pending in the ourt of King's Bench, was decided. The Court of King's Bench did decide in favour of the noble Duke, and thereby again established the illegality of the weirs. They applied to the Lord Lieutenant again, and were informed that the Government would not interfere. What was the consequence? Two Statutes were distinctly violated by a wealthy company, who could easily contend against a poor man, as the notion of a poor fisherman going to law, who never in his life, perhaps, could scrape together as much money as would pay for the first process, was as wild as to dream of paying off the National Debt. He submitted to the House whether this was not a case in which the prayer of the petition ought to be attended to? They might proceed against those who violated the Statute by indictment, and in the present case there could be no difficulty. Though he had not the honour to be the legal adviser to the Irish Government, yet he had no hesitation in stating, that there was no lawyer who saw the Statutes but would tell them at once that there was a distinct mode of proceeding, and an easy remedy.

Petition laid on the Table.

CASE OF MR. LAWRENCE DUNDAS.] Mr. *O'Connell* said, that he had received a letter from Mr. Dundas, against whose appointment as a stipendiary Magistrate he had on a former day remonstrated. He thought it but just to the individual to read it. It appeared to be dated from Liverpool, on the 7th instant, and stated that the ground of charge connected with the police force of the county of Wexford had occurred seven years ago, when the writer had resigned his situation as Chief Constable. He had made good all deficiencies to the utmost farthing that had been demanded, and had appeared at the head Police-Office of Dublin, where he had given bail to appear to answer any charge that might be subsequently brought against him. No charge had been brought, and he denied, that he had been guilty of any malversation in the discharge of his office; but having resigned it, and having a large family to provide for, he had applied for a situation in the colonies, the individual who recommended him being quite ignorant that he (Mr. Dundas) had held any situation in Ireland. He deeply regretted, that Mr. O'Connell had thought it necessary to bring forward the case at so distant a date, when proofs of innocence were so difficult to be procured, and claimed the benefit of the maxim, that every man was to be considered innocent until he had been found guilty by a Jury of his country. The hon. Member added, that in consequence of the receipt of this letter he had applied to his informant, Mr. Walker, a Member of the House, who had acted as a Magistrate of the county of Wicklow in the original investigation of the case against Mr. Dundas, and from him he had received a statement, in answer to the foregoing bold assertion of innocence, which he would also read. It represented that the original suspicion of the inaccuracy of the accounts of Mr. Dundas had arisen in 1824, and in 1827 distinct charges were brought against him. A Commission had been appointed to investigate the whole case; and on the thirteenth day of the inquiry it appeared that Mr. Dundas had given 10*l.* to one of his clerks to go to London, promising him more money to enable him to proceed to America. The name of this clerk was M'Cann, who subsequently confessed that the evidence he had given in favour of Mr. Dundas was untrue. Mr. Dundas then pleaded illness; and being allowed to withdraw, made his escape, and warrants were issued for his apprehension. Another person implicated in some way with Mr. Dundas was a Mr. Powell, who stated, that the frauds committed in the county of Wicklow, in connexion with the police force, were carried on in all the other counties of Ireland. It appeared that the charge for the quarter, after the removal of Mr. Dundas, was 220*l.* less than for the preceding quarter; and that, in the whole, the sum of which the country had been defrauded, was 3,200*l.*, or about 800*l.* a-year, since Mr. Dundas had held the office of Chief Constable. It further appeared from Mr. Walker's statement, that after his removal, Mr. Dundas had applied to the Irish Government for some new appointment; but that he had been more than once silenced by a renewed inquiry into the transactions of the year 1827. He had subsequently obtained from the Secretary of State for the Colonies, the situation of stipendiary Magistrate in the West Indies. He (Mr. O'Connell) thought, that the letter which he had just read formed a curious contrast to that written by Mr. Dundas; and, in order that that Gentleman might have an opportunity of proving, if he could, the truth of his statement, he should move for "A copy of any warrant issued against Lawrence Dundas, formerly Chief Constable of Police in the county of Wexford, and an account of the proceedings, if any, taken in consequence of the issue of the said warrant, and of the manner in which those proceedings terminated."

Motion agreed to.

EXCHEQUER RECEIPT BILL.] Sir *James Graham*, in moving the further consideration of the Report on the Exchequer Receipt Bill, said, he should postpone his statement respecting the general scheme of the measure until the House resolved into a Committee for the purpose of considering the amount of compensation to be given to the officers who were affected by this Bill. The right hon. Baronet moved, that the House resolve itself into a Committee to consider of the compensation to be allowed for the abolition of certain offices in the establishment of his Majesty's Exchequer at Westminster, in consequence of the passing of any Act in the present Session for the reduction of the same.

The House resolved itself into a Committee.

Sir *James Graham* had to thank the House for the courtesy it had shown in having allowed him to advance so far in a measure of so much importance as the present without calling on him at an earlier stage to state its principles and justify its details. The subject was of a very complicated nature, and though he was at the same time deeply convinced of its importance, and that it well deserved the gravest attention of the Committee, he was afraid that he might make it neither attractive nor clear. In the first place, he had to explain the circumstances under which he had been selected to bring the matter under the notice of the House. He had been called upon to introduce the measure on the part of Government, having had the honour of serving on a Commission appointed by his Majesty to inquire into the Public Accounts, over which the right hon. Baronet, the member for Dundee, (Sir Henry Parnell) then a Member of his Majesty's Government, presided; but as his Majesty's Government had not now the honour to reckon that right hon. Gentleman as one of their colleagues, and as it was considered that a measure of such importance as the present should be brought forward by one of his Majesty's responsible advisers, although, in the presence of the right hon. Baronet (Sir Henry Parnell), he deeply felt his unworthiness, yet, as it had been judged adviseable, he (Sir James Graham), being one of the Commission, had ventured to undertake the task. In the next place, he had to submit to the Committee some explanation of the circumstances which had led to the introduction of the measure itself, which had been contemplated, in its principle at least, by the predecessors of the present Government, and recommended in its details by the Commission to which he had alluded. First of all, then, he had to state to the Committee, that the importance of the measure had received the most mature and anxious consideration; and perhaps he might here be permitted to allude to a circumstance which would appear on the face of the Report—namely, that the late Auditor of the Exchequer, Lord Grenville, having entertained certain objections to the proposed alterations, the feeling both of the First Lord of the Treasury and the Chancellor of the Exchequer with respect to that distinguished individual had operated on their minds as an obstacle to the introduction of so extensive a change; but considering the peculiar state of his health, and the subsequent death of that distinguished person, the original impediment had not only been removed, but the event itself had rendered some change indispensably necessary to the working of the Exchequer establishment, in which that noble Lord had held so distinguished a place. Having thus referred to the circumstances under which the measure was introduced, he would next briefly state to the Committee the provisions of the Bill under discussion; and in the outset he would beg leave to observe, as those who were acquainted with the proceedings of the Commission on public accounts must be aware, that the main provisions of the measure were founded on their published Report. For the sake of clearness, it might perhaps be expedient to point out to the Committee, first, what the Bill proposed to abolish,—next, the offices it would create,—and lastly, the objects of the change, and the means by which it was to be effected. It appeared to the Commission, and also to the Government, acting in conformity with the view of the Commission, that it was expedient to introduce so extensive a change into the whole frame of the Exchequer, as to abolish absolutely all the existing offices and the mode of conducting the public business in that great department. The Bill, therefore, would abolish the offices of Auditor of the Exchequer, of the Clerk of the Pells, and of each of the four Tellers of the Exchequer. Already he had opened to the Committee a very extensive change; and it was only necessary for them to consider what had heretofore been the functions of the Exchequer, to be convinced of the importance of the measure now under discussion. From the earliest period of our history—he believed from the time of the Norman conquest—the Exchequer had been the great conservator of the public money, not only having to provide the safe custody and proper appropriation of the public Revenue, but exercising a direct and decided control over the office of the Lord High Treasurer, the Commissioners of the Exchequer, and the executive Government; and whatever might be the objections to the present Constitution of the Exchequer, he was bound in justice to say, although the operation of its machinery had been tardy, yet it had in the main effected its object. It had safely preserved the public Revenue committed to its charge—no great frauds had been committed; on the contrary, many great frauds had frequently been detected and defeated; and more than that, on many occasions of great importance the Auditor of the Exchequer had exercised his control over the executive, and enforced a strict attention to the Appropriation and other Acts of Parliament regulating the expenditure of the country. He might be asked, having made so large an admission, why he should advocate so extensive a change? But if the Committee attended to what he was now about to state, they would see, that the machinery which the present measure was intended to supersede was so complex and inappropriate to the whole pecuniary transactions of the present day, that the time had arrived when, if means could be devised for providing equally efficient checks, it would be expedient to alter the forms and constitution of the Exchequer, for the purpose of facilitating the great objects which, as now existing, it had not failed to achieve. The present system had its origin in, and attained many of its characteristics from, that period, when all the facilities and securities now in operation for the transfer of money,—when banks, bank credit, bank checks, bank paper, were entirely unknown. All the machinery of the Exchequer and its entire constitution had reference to periods when the receipts were either made by weight or by tale; but now the checks necessary to such a state of monetary transactions had become useless, although the operations themselves had not changed their character. On this point it was only necessary to refer to the mode in which the receipts of the Exchequer were at present conducted. The numerals made use of were Roman, and the receipts were written in a species of Latin, which nothing but a knowledge of the Exchequer itself could understand, and its whole complicated machinery was so antiquated that even those who had the greatest respect for the wisdom of our ancestors must admit, that the time had arrived when a change should be effected. The object of the Bill under consideration was to abolish all those antiquated forms,—the Exchequer Latin with obsolete numerals, the forms of introitus, exitus, pells, complicated receipts, and all those intricate forms which it would be too tedious as well as useless to describe, and to place the whole system on an intelligible footing, observing the great principle of severing the duty of payment from the duty of control. The bill also abolished that part of the present plan to which the hon. member for Middlesex had so frequently objected—he meant the system of fees, which would get rid of a great deal of complication and confusion, arising from the method of deducting from salaries and payments paid in with one hand and drawn out with the other, which was useless in practice, and most objectionable in principle. Although the principle of the highest function performed by the Exchequer was that of control, yet there was incident to it also the actual payment of money. For the management of this branch a general paymaster was proposed to be appointed, having the same control as the other paymasters of the navy, army, and ordnance. He had now stated all the parts of the present system which it was proposed to abolish by the present Bill; it remained, that he should shortly point out what offices were proposed to be created in lieu of them. And here he had also to observe, that this part of the measure was in exact conformity with the Report of the Commissioners. It was proposed to establish a Comptroller-general of the Exchequer, and inasmuch as he was to exercise the duties now performed by the Auditor and Clerk of the Pells, and to see that all payments paid were sanctioned by acts of that House, it was of vast importance that he should be altogether independent of the executive Government; and with this view it was proposed that he should hold his office by letters patent under the great seal for life, removable only on the Address of either House of Parliament. As, however, his duty would be daily, it became necessary to provide for the sickness and occasional absence of the Comptroller-general; under these circumstances, and in conformity with the recommendation of the Commissioners, the Bill provided that there should be an assistant-comptroller, who, in the absence of the Comptroller-general, should be enabled to perform without exception all his functions in the Exchequer. These were the only offices of a permanent character; the Bill, however, provided, that power should be given to the Treasury, subject to the cognizance of Parliament, of increasing their establishment, and generally of regulating the office; and in as much as there would be great inconvenience in giving precise directions as to the strictly best mode of keeping their accounts, an extensive power should be given to the Treasury in this respect, over not only the new paymaster, but also in all the departments which the Bill would establish. The Bill then provided how the payments now made to the Exchequer should be regulated for the future. It provided that, under the sign-manual, the money should be deposited in the Bank to the credit of the Comptroller of the Exchequer; that no payment for the future should be made to the Exchequer, but that it should be directly lodged in the Bank; that, before any check or draft was issued or paid, the order of the Comptroller directing the payment should be issued. The Exchequer would have to operate under the royal order; and the Treasury warrant directing the transfer of any sum from the general fund of the Exchequer lodged at the Bank to the credit of the respective departments, that it must state the particular Act or vote of Parliament sanctioning such payment. The royal order was also to be deposited in the Exchequer as well as the Treasury-warrant. The monies were now paid by a circuitous mode through the Bank, but it was intended that there should be a general account kept at the Bank. The Comptroller of the Exchequer, previous to issuing his draft, would have the opportunity of examining the Royal warrant and Treasury-warrant, and he would have to see whether the money directed to be advanced or expended was within the provisions of the Appropriation Act or the authority granted by Parliament. He was very well aware of the difficulty of explaining the machinery of a Bill which was somewhat complicated; but he did not hesitate to say, that if the details of the Bill were followed, its working would be successful. He had been assured by several gentlemen of great practical experience, that the measure would answer the expectations that had been formed of it; and that it would establish a simple and satisfactory mode of keeping the accounts, and at the same time it would give an efficient control over the executive as regarded the public expenditure. The Bill also provided that the paymaster should know from day to day the amount of the payments made into the Bank on account of the Exchequer, and that the Treasury should weekly have an account specifying the monies paid out, and also a statement of the balance in the Bank. The Comptroller of the Exchequer should also be informed day by day of the money paid into and out of the Bank on the public account, and also that Parliament should have an annual account of the receipts, and also of the payments made on the general account, and by what authority they were appropriated, and would thus be aware of the state of the financial balance in the Bank at the end of each year. He should state to the House, that the order issued from the Treasury authorising the payment would specify the head under which the payment was made. A new system of keeping the accounts by double entry would be adopted, so that the balance taken from day to day both at the Exchequer and the Treasury would be constant checks on each other. He was not aware that there was any other important provision of the Bill which required to be stated; he should, however, be happy, as they were now in Committee, to give any further explanation if it should be required; and if any suggestion was offered in the spirit of fairness, it should be readily adopted, provided it were considered in the nature of an improvement. He had now a word or two to say as to the effect of the proposed measure, as to the pecuniary saving it would effect. The present establishment of the Exchequer amounted to sixty-five individuals, the cost being 41,900*l.* Now, although he could not pledge himself to the exact number of clerks which, especially at the commencement, would be required, the effect of the change would be, speaking in round numbers, that instead of 41,900*l.*, the cost would be 11,000*l.*; thus saving effectually 30,900*l.* to the public, and instead of sixty-five only twenty-nine subordinate officers would be required. [Mr. *G. F. Young:* Does that include the new Pay-office ?] The estimate included all the departments, except the office of the Paymaster of the Exchequer-bills, and also that of the Teller of the Exchequer in Ireland, which were not interfered with in the present Bill. He had also no hesitation in stating, on the part of Government, that it would be their object in every case, consistently with a due regard to the efficiency of the public service, to select the twenty-eight or twenty-nine individuals to be employed in the new establishment out of the sixty-five at present employed. It only remained for him to touch on that point to which the resolutions with which he should conclude more particularly referred—namely, the compensation which should be awarded to those individuals whose offices it was proposed to reduce; and he could not better state the principle on which the Bill in this respect was framed, than in the words of the Report of the Commission, which he had the honour of signing in conjunction with the right hon. Baronet the member for Dundee. "In proposing these changes in the establishment of the Exchequer, we trust it will not be supposed we mean to recommend that so many officers should be reduced without due consideration of their past services and present claims. We hope that none will suffer in their pecuniary circumstances, for we believe, that the most certain as well as the most satisfactory means of introducing great changes in the public establishments, with a view to economy, will be found to consist in as little interference as possible with the just claims of individuals." That was the principle laid down in the Report embodied in the Bill, and the foundation of the Resolutions with which he should conclude. With respect to the Auditorship of the Exchequer, the death of Lord Grenville having vacated that office, the noble Lord who succeeded him had taken it on the complete understanding, that it was subject to the regulation of Parliament. The Tellers of the Exchequer, and the Clerk of the Pells were regulated by Statute in 1817. These offices were enjoyed by the present holders for life; and the Bill provided compensation for them until other offices of equal value were obtained. It was felt, that these retiring allowances ought to be made, because, the offices which the parties held, were considered to be of a permanent nature. As it was the object of preceding Parliaments to make the Auditor of the Exchequer the Clerk of the Pells, and the Tellers of the Exchequer independent of the executive, so it was proposed by the present Bill to render the Comptroller and the Assistant-Comptroller of the Exchequer, independent of the executive also, by declaring that they should hold their offices by patent for life. Since the introduction of the Bill, a circumstance had occurred, which rendered one of its provisions unnecessary. He alluded to the death of Mr. Yorke, one of the Tellers of the Exchequer. The unexpected demise of that Gentleman, last night, would make it his painful duty to exclude his name from the list of those to whom compensation would be given by the Bill. When he stated, that he had long enjoyed the friendship of Mr. Yorke—had, on many occasions, received the advantage of his advice—and, on others, the encouragement of his approbation—when he stated, that there never was a more honourable a more independent man, nor one who ever brought greater ability and integrity to a faithful discharge of his public duty, the House would readily believe him, that it was with deep and sincere pain, that he excluded his name from this Bill. With regard to the case of the Marquess Camden, he considered it a very peculiar case—indeed, so very peculiar, that, he thought it right to set it forth fully and distinctly, in a separate clause, in order that it might be for ever known to his fellow-countrymen, that the noble Marquess, having as clear a right to the full and unabated fees and perquisites of his office, as any private gentleman had to the rents of his estate, had, from the best and purest motives of patriotism, contributed from those fees and perquisites to his Majesty's Exchequer no less a sum than 245,000*l.* He conceived, that no act would be more ungracious, no act more ungenerous, no act more prejudicial to the public interests, than to fetter such generosity of spirit, so long exerted for the public good; and his Majesty's Government had, therefore, deemed it expedient to reserve to the noble Marquess, for the remainder of his life, uncontrolled and unabated power over the profits of his office, leaving it to his generosity, on which, his past conduct proved, that the public might confidently rely, to deal with the public as he might think fit, and not fettering his free-will in any way or in the slightest degree. That was the least the House could do to mark its sense of the conduct of the noble Marquess. Less than that it would be unworthy of the House to do—more than that it could not do at present. With regard to other officers in the Exchequer, who did not hold patent offices, but who still had a permanent interest in their offices, he proposed that the Commissioners of the Treasury should be empowered to give them compensation, subject, however, to their laying the amount of that compensation before Parliament, in order to enable it to judge of the manner in which the Lords of the Treasury exercised their discretionary power. He had also a list of the names of certain officers, who, under the Act of the 23rd of George 3rd, had pensions to the amount of 8,300*l.* charged upon the Fee Fund. These pensions, he proposed to charge in future upon the Consolidated Fund. As the lives of the holders dropped in, the amount of those pensions would diminish, till at last, there would be no charge at all upon the Consolidated Fund. As far as possible, the Government was disposed to fill up the new offices created under this Bill, from the old officers of the Exchequer, thereby diminishing the loss which the public would otherwise incur, by the amount of allowances which would be granted under it. He was not aware, that he had omitted any point of importance. He was sorry that he had been obliged to detain the Committee so long; but he could not avoid entering into the details of so extensive a change as that which he had now the honour to recommend to Parliament; a change, which was as extensive as the Government thought to be safe to make in the first instance. The right hon. Baronet concluded by moving his first resolution, to this effect; "That it is the opinion of this Committee, that the Comptroller-General of the receipt and issues of his Majesty's Exchequer should receive an annual salary of 2,000*l.*; that the Assistant-comptroller should receive an annual salary of 1,000*l.*; and that the chief clerk, and the other clerks and assistants should receive such salaries as should be established and regulated from time to time by the Commissioners of his Majesty's Treasury, to be paid out of the Consolidated Fund of Great Britain and Ireland."

Lord *Granville Somerset* was sure, that if his right hon. friend had deemed it necessary to apologize to the Committee for detaining it with so dry a subject, while he submitted to the House an explanation of the details which he had offered to its consideration, it was still more necessary for him to offer the Committee a similar apology, for the demand which he was now about to make upon its attention. He was happy to find, that his Majesty's Government had at last brought before the House this very useful recommendation of the Commissioners appointed to report upon the Exchequer. He regretted that so much time had been allowed to elapse since the Commission to which he had had the honour to belong, had ceased to act, and since the Commission which succeeded it had made its report, without any practical measure having been introduced into the House, as the result of their anxious and diligent labour. He availed himself, however, of the present opportunity, to say, that his right hon. friend had not, as it appeared to him, done Lord Grenville justice, in supposing that that distinguished nobleman had been desirous of throwing obstacles in the way of this Bill. In all the communications which the Commission to which he had belonged had deemed it necessary to make to that noble Lord, they had found him ready to give them his opinion, to afford them every information in his power, and to co-operate with them in obtaining an insight into all the forms and processes of the Exchequer. He was, therefore, confident that they would have experienced no difficulty in inducing that noble Lord to agree to any proposition which might have obtained the sanction and approbation of that House. He fully agreed with his right hon. friend opposite, that nothing but a sweeping abolition of the system at present adopted in the Exchequer, could be either useful or efficient He did not think that his right hon. friend had swept away one bit too much. Whilst he (Lord Granville Somerset) was in office, he was prepared to agree to as complete an abolition of the existing system, as that which he was going to agree to now. At the same time, he was of opinion, that some great constitutional check should be established upon the receipt and issue of public money, in lieu of that check which was now to be abolished. He thought, that his right hon. friend had not dwelt sufficiently upon the value of the check which existed at present, but which was to be done away with in the plan which he proposed for the adoption of Parliament. Indeed, he doubted whether his right hon. friend substituted so useful a check as that which he was abolishing. He conceived, that many of the forms now adopted in the Exchequer were useless; but he did not conceive that the constitutional check on the issue of the public money by the Auditor of the Exchequer and the Clerk of the Pells, was in any respect unnecessary. In placing that check in the hands of a single individual, instead of placing it in the hands of two persons of high character and station, who were perfectly independent of each other, the House might do away with one of the most useful safeguards on the correct appropriation of the public money. The plan of his right hon. friend went to the establishment of a check in the hands of a single individual, to be styled the Comptroller-General of his Majesty's Exchequer —of a single individual, who was to be free, however, from all bias in the exercise of his office. As to the propriety of this last regulation, he fully agreed with his right hon. friend; but he should have liked his right hon. friend's scheme much better, if he had invented some secondary check upon the discretion of this individual Comptroller. He was of opinion, that no single individual would be able to resist the strong pressure which was occasionally brought into play against him, whenever he put his view of what was right in opposition to the wishes of the executive Government. The point which he was now raising was not visionary, was not imaginary; for there was on record a case in which, as many hon. Members knew, the Auditor of the Exchequer and the Clerk of the Pells had made strong remonstrances against the orders of the executive Government. He saw, by the gestures of the noble Lord, that he disputed his last assertion so far as it regarded the Clerk of the Pells. Now, if the Committee would bear with him whilst he referred to some evidence which was given by Mr. Roberts, in 1830, he thought that he could convince the Committee, that he was not incorrect in his statement. The case was an old one, it was true, but not, he hoped, the less deserving of attention on that account. It was stated by the present Mr. Roberts, that many years ago, when his father was ordered by the executive Government to issue certain monies for purposes which he considered illegal, he had refused to do so—that he had gone to the Treasury, produced the key of his chest, laid it upon the table of the Commissioners, and offered to resign his office rather than comply with their request. He mentioned this fact, to show, that the Clerk of the Pells had sometimes made to the Treasury an opposition which was something more than theoretical. It was also stated, that Lord Grenville had, upon one occasion, strenuously resisted the orders of the Treasury. He would not enter into the question of the legality or illegality of paying the interest on the Russian loan; but, without going further into that subject than was necessary to remind the House that the question had been raised within it, he would say, that it was clear, from what had transpired, that the representations of Lord Grenville, as Auditor of the Exchequer, had been of the most valuable kind. It was satisfactory to know, that that noble Lord, who, for many years had been unconnected with party, had represented to his Majesty's Government, in terms that could not be misunderstood, his opinion on that transaction. The new Comptroller, however independent he might be by his office, and however free from the trammels of politics, would scarcely have that weight which belonged to the Auditor of the Exchequer, from ancient prescription, and from the Gothic paraphernalia by which his office was surrounded. When he saw, under the old system, that the Auditor was supported by another officer, who was also uncontrolled, he could only arrive at one conclusion, and that was, that there ought to be two officers of independent position and situation, each exercising an independent control upon the issue of public money ordered by the Executive. He was as anxious as any man could be, that the person at the head of this department should be a real and efficient officer, and that nothing approaching sinecurism should appear in the constitution of his department; therefore it was, that even if he had not stated other grounds which made him anxious for an establishment different from that contained in this Bill, this alone would make him object to it—that he found it provide for the Comptroller-General a Deputy-comptroller. It was clear, that if you had a Comptroller-General, and then a Deputy or Assisting-comptroller, and then again a Chief Clerk, that the Comptroller-General would do little, that his Deputy would do not much, and their Chief Clerk would do all the business of the establishment. He wished to prevent this species of abuse. Let it not be supposed that he wished to do this to advance some theory of his own. In the Report of the Commissioners he found a sort of programme of the duties to be performed in this new office, from which it appeared that the Comptroller would have the supervision of everything that occurred in his department; but that the Deputy-comptroller would have to see all the work performed. The chief clerk in the absence of the Deputy-comptroller would have to perform all his functions. [Sir *J. Graham:* That was not in the Bill.] It would be the case in practice however. The Deputy-comptroller was to examine the receipts and payments of the day, and was specially charged with the examination of the Treasury warrants, and with the consideration of their legality. He was bound to see, that they were in conformity with the grants of Parliament, and with the royal orders of the Crown. Now, supposing that a Comptroller and a Deputy-comptroller were appointed, it was quite clear, that though the Comptroller had the chief office, the Deputy-comptroller would have to exercise the check which, in reality, was the only valuable part of the office. That being the case, he thought that the country could do without a Deputy-comptroller. He would leave the Comptroller to the full possession of all the duties which at present were to be performed by his deputy; for if either of these two officers was to be an efficient officer, he was convinced that it was necessary that that efficient officer should be the Comptroller. He was aware that he should be met with the practical objection, that it was impossible, if the accidents of illness, excessive fatigue, &c., were taken into consideration, for any man to perform all the duties of so responsible an office without a coadjutor. But allowing that to be the case, it ought not to be forgotten that the Commissioners, in their report, had provided for the occurrence of these very incidents. In case the Comptroller was absent, the Deputy-comptroller was to act for him; and in case the Deputy-comptroller was disabled, the chief clerk was to perform his functions. The report referred to the schedule, containing an enumeration of the duties of the new offices. He objected to the office of Deputy-comptroller, and he could show from the Report that the division of labour which was to take place between his principal and him and his subordinates was not very business like. He conceived, that the Bill was drawn up in conformity with the Report, and was arguing accordingly upon the Report. It was his endeavour to show that there was no necessity for a Deputy-comptroller, and that he was an officer who might well be spared. He wished to supply the place of this officer by one who was perfectly independent, and therefore, calculated to act as a second check. If he had made himself understood by the House it would be clear that if the Deputy-comptroller were got rid of, there would be an office to spare with a salary of 1,000*l.* a-year. Now, upon such a salary an officer might be created as perfectly independent as the Comptroller; and by the word "independent" he did not mean independent of the Comptroller only, he meant independent of the Treasury also. That officer should also be a recording officer, but he should not record anything except what was in conformity with legal enactments. He was now merely stating the opinions which he had formed some years ago, when he was in office, and which he knew had been adopted by the right hon. Baronet near him and the rest of his colleagues. Feeling them to be well founded, he considered that he should fail in his duty if he did not press them distinctly upon the Committee. Having referred to the leading features in the Bill before the Committee, and the principal objections which he entertained against it, he would add, that it seemed to him to be natural that the Clerk of the Pells should be continued and should be that independent second officer he had alluded to; he should receive the same salary as at present, but the same salary should not be continued to his successor. By such an arrangement you would consult economy, for you would save the superannuation allowance of the Clerk of the Pells, and, what was equally important, would have an experienced officer at your command, who would know something both of the old and the new system. He admitted, however, that this was a point entirely at the disposal of the executive Government. There was another point of considerable importance, to which, as it appeared to him sufficient weight was not attached in the Bill—he was alluding to the position of the Comptroller. There was no provision to prevent that officer from sitting in Parliament or holding another office under the Crown. Now, if this office of Comptroller was worth keeping up at all, there ought to be a special enactment introduced into the Bill to prevent the holder of it from enjoying any other situation in the gift of the Crown. He threw out his observations not from any wish to impede the progress of the Bill, or to obtain a triumph for his opinions, but from a sincere desire that they should be adopted by the Committee. He felt the force of his suggestions himself, and he hoped that they would meet with a candid consideration from his Majesty's Government. With regard to the preamble of the Bill, he was of opinion, that as allusion had been made to the meritorious labours of the one commission, some notice ought also to be taken of the no less diligent labours of the other. He also recommended that as the Roman numerals employed in the accounts of the Exchequer were now to be abolished, care should be taken that the knowledge of them should not be lost, and for that purpose he suggested that a small portion of the accounts should still be kept in those characters. He also wished to have the Bill recommitted *pro formâ*, in order that such alterations as hon. Members might think expedient might be proposed and fully discussed. His right hon. friend had given little or no explanation as to the amount either of the salary of the Paymaster of the Exchequer, or of the establishment over which he was to preside. He reminded the Committee, that during the long series of years in which the Exchequer Rolls had been kept in their present form, no defalcation, no pecuniary loss, had been sustained by the State. It was, therefore, necessary that the Committee should proceed with caution in forming a new scheme in lieu of the old which he certainly thought ought to be abolished. It was not his intention to make any Motion on this subject himself; but he hoped that what he had said that evening would be taken into the candid consideration of his right hon. friend.

Sir *James Graham* thanked his noble friend for the great candour with which he had discussed this question. Some of the suggestions which his noble friend had made appeared to him to be so well founded in justice and common sense, that they appeared to his colleagues and himself to be worthy of adoption in the Bill. The suggestion which appeared to him to be the most important was that which prohibited the Comptroller from holding any other situation under the Crown. He would on a future occasion add to the Bill an enactment containing that prohibition. He had no objection to make in the preamble the insertion which his noble friend desired. With regard to what the noble Lord had said respecting the deficiency of his explanations on the office of Paymaster of the Exchequer, he would endeavour to supply that deficiency. The noble Lord was aware of the number of payments made at the Exchequer—they extended to the payment of all public officers not provided for by the grants of the House. They amounted to 3,000,000*l.* or 4,000,000*l.* a-year. The Paymaster was therefore made a public accountant. It was intended that his office should form part of the Treasury, but that was a mere matter of local convenience. His noble friend had asked what was to be the extent of the establishment over which the Paymaster was to preside. When the Treasury had formed the establishment, an account of the expense of it would be found in the Estimates, and would be annually voted in the Committee of Supply. He had already stated, that the expense of these new offices would not amount to more than 11,000*l.* a-year; the expense of the existing offices amounted to 41,000*l.* He believed of that 11,000*l.* nearly one-half would be expended on the Paymaster's office. There would be a paymaster, a chief clerk, and ten or twelve subordinate clerks. With regard to the double check proposed by his noble friend, he would only observe that the opinion of the Clerk of the Pells was decidedly against that proposition. That Gentleman expressly said, that the two officers placing reliance on each other, weakened the sense of responsibility in both. That Gentleman had stated also, that such an alteration would be productive of great delay and impediment to business. The right hon. Baronet concluded by declaring that the Bill would be of great advantage to the public in the form of keeping their accounts at the Bank.

Sir *Henry Parnell* said, that the country had great reason to be well satisfied at the introduction of this measure, which was one step towards financial reform, and he hoped that the principles laid down in the Bill would sooner or later be extended to other branches of the public expenditure. He could not agree with the noble Lord (Lord Granville Somerset) in his notion of the advantage of a double check. On the contrary he entirely concurred in the view taken by his right hon. friend, and he could prove if it were necessary that the introduction of a double check was altogether owing to the imperfect manner in which the public accounts had been kept. The double check was only productive of expense, and of diminished responsibility. On the whole he approved of the measure, though one alteration recommended by the Commission, which he would have liked to see was, not introduced into it.

Mr. *Hume* felt great satisfaction at the proposal of the measure, for ten years, at least, had elapsed since the Chancellor of the Exchequer of that day had pledged himself to effect the alteration the present Bill was directed to accomplish. The plan laid down was a simple one, but he thought it might have been made more extensive. He wished, however, to ascertain one point, which was, whether Lord Auckland was to hold his present office in Greenwich Hospital and likewise the comptrollership specified in the present Bill? He hoped that under the present arrangement, no individual holding a plurality of offices would be entitled to superannuation allowances. He regretted that the measure, as he had said, did not go further, because he was convinced that, until the whole of the gross revenue was paid into the Exchequer, it would be quite impossible to check the extravagant expenditure of the Customs, Excise, Post, and Stamp Offices; which paid only the amount of the nett revenue raised by them into the Exchequer, making whatever deductions they pleased, if the Treasury chose to allow them. This system had led to great abuse in the expenditure of these departments. It was contrary to the spirit and principle of the English Constitution, that the House of Commons should have no control over this part of the expenditure of the country. He was anxious to hear from the right hon. Baronet what objection there could be to this additional 3,000,000*l.* or 4,000,000*l.* being paid into the Exchequer?

Sir *James Graham* said, it was precisely because the measure was so extensive that his Majesty's Government was induced to think it went far enough. The most advisable course certainly was, to proceed cautiously, and to ascertain the effect of the present measure, before adopting a more extensive one. He was sure he might appeal to the high authority of his right hon. friend, the member for Dundee (Sir Henry Parnell), whether if the present measure were successful, it would not greatly facilitate the progress of those more extensive measures which the hon. member for Middlesex required. In proposing such an important change as the overthrow of the existing system of the Exchequer, establishing an entirely new one, surely it became the Executive to see how the new system worked, before changes more extensive, more decisive, and involving more important consequences were effected. The hon. member for Middlesex said, that the cost of collecting the revenue of the Excise and Customs was not laid before this House. Why, an account, entering into the most minute details of that expenditure, and showing the difference between the gross and the nett amount of the revenue, was annually laid before the House, in compliance with the provisions of an Act of Parliament, and so far from his Majesty's Government not making the necessary inquiries upon this point, he begged to say, that the subject was now under the consideration of a Commission, over which his right hon. friend, the member for Dundee, was presiding. With reference to the noble Lord concerning whom a question had been asked, that noble Lord was now auditor of the Exchequer, and in the event of the Bill passing he would be Comptroller under it. That noble Lord, he could assure the hon. Member, had no intention of claiming or receiving any pension while he was Comptroller. The noble Lord (Lord Granville Somerset) had asked him (Sir James Graham) whether he would be able to hold any other office in addition to this Comptrollership, and he had told him in reply that he believed that could not be the case. At the same time he must observe, that the office to which the noble Lord alluded was not held during pleasure, though being himself connected with Greenwich Hospital, he could hardly express in terms sufficiently strong the loss that establishment would sustain by the retirement of the noble Lord, whose talents, experience, and integrity were so conspicuous.

Mr. *Hume* hoped it might not be understood that in asking the question he should be supposed to be under-rating the talents of the noble Lord. No one was more ready than himself to acknowledge the noble Lord's talents for business. His only object was to enforce the principle of non-pluralities. On one point the right hon. Baronet had not understood his remarks. The Exchequer Office was constituted for the purpose of keeping an account of the total revenue of the country, but it never exhibited that; it was an absurdity which existed in England alone, that the Exchequer, which ought to keep an account of all the receipts of revenue, never did so, for the officers who collected the money were allowed to deduct the expense of supporting their own establishments. He would mention an extraordinary instance, to show how necessary an alteration was. A loan to the amount of 7,000,000*l.* was contracted for, to supply the Emperor of Austria. One would have supposed that this would have been entered in the Exchequer account; but the money was paid into the Bank, from the Bank it was paid to the Emperor of Austria, and it never had been entered in the Exchequer account, although the country paid the interest on it to this moment.

Mr. *Matthias Attwood* did not think it a matter of more importance to provide efficient checks on the public accounts than to lessen the amount of the public monies placed in the hands of public officers. As a measure of economy he approved of the present Bill, but he hoped that some alteration would be made in the clause which related to the appointments of the Comptroller and Assistant-comptroller of the Exchequer. He disapproved of public officers being appointed to their situations for life, and thought that no one should hold a public situation except during pleasure. The amount of the salaries at present paid was 40,900*l.*; but the right hon. Baronet had forgotten to state to them what the saving was which the proposed abolition of offices would effect in this branch of the public expenditure, or whether the amount now paid for salaries was to be continued to be paid under the name of pensions or retired allowances. He complained that it was on those who really did the work of the public that the reductions pressed most heavily; and he could not help saying, that the salaries of principal as well as those of subordinate clerks should be diminished in the same proportion. The measure proposed to abolish the office of Clerk of the Pells, but he saw no reason why the principle to which he had adverted should not be applied to the salary of the right hon. Gentleman who held that office as well as to the salaries of other persons. Indeed, he thought that, instead of allowing the right hon. Gentleman a retiring pension of 1,400*l.* a-year, it would be much better to retain his services by making him Assistant-Comptroller of the Exchequer. This course would not only be the wise one, but would have the advantage of economy to recommend it. The salary of the Assistant-Comptroller of the Exchequer was to be 1,400*l.*, and if the right hon. Gentleman were appointed to fill that office, his pension as Clerk of the Pells being saved, the public would have the benefit of a reduction to that extent. The right hon. Gentleman was the only person who had ever held the office of Clerk of the Pells for life, or otherwise than at the pleasure of the Crown, and, therefore, he could see no hardship in pursuing the course which he had suggested with respect to transferring the right hon. Gentleman, who was comparatively new to the public service, to the Exchequer, instead of permitting him to enjoy a sinecure pension.

Sir *James Graham* stated, that this was, undoubtedly, a measure of economy, and calculated to create a considerable saving; but economy ought not to be considered as its primary object. It was a measure of still higher importance,—for the regulation and greater accountability of those intrusted with the public money, for affording easier access to the public accounts, and improving the mode of keeping them, and creating a more effectual control over the public expenditure. He could not admit the principle, that the selection of officers belonged to the House of Commons: it was the duty of the Government to charge itself with that responsibility. It was represented, that Mr. Ellis was only new in the public service. That was not the case: he had served his country in every part of the globe for twenty-two years. In 1812, Mr. Ellis entered the public service as Secretary to Lord Buckingham, then President of the Board of Trade. In 1814, he proceeded to Persia on a special mission, and concluded a treaty of importance with that country, to the satisfaction of the English Government. In 1815, Mr. Ellis was appointed one of the Commissioners for concluding a treaty with the United States of America. He subsequently proceeded with Lord Amherst on his embassy to China; and in 1817, on his return to this country, resumed his situation of Commissioner for the commercial treaty with the United States. He continued in that situation till 1819, when he went out to the Cape of Good Hope as Secretary to the Governor-General. He remained at the Cape till 1822, when he returned home, and was appointed Secretary of Revenue Inquiry. In 1824, Mr. Ellis was appointed one of the Commissioners of Customs; and in 1825, he was selected, by the Earl of Liverpool (then at the head of the Government), not in consequence of any application from himself or others, but voluntarily selected by the noble Earl, to fill the office of Clerk of the Pells, under the new regulations fixed by the Act of 1817, which converted the office from something of a sinecure, into a complete and efficient and useful office. He had proved to the House, that, so far from being new to official life, Mr. Ellis had been twenty-two years in the employment of the public; and he now wished simply to state a point on which he would appeal to the generous feelings of Members of the House, as gentlemen and persons of liberal sentiments. The inducement which prevailed upon Mr. Ellis in 1825 to exchange the office of Commissioner of Customs for the Clerkship of the Pells consisted in this circumstance, that he changed a subordinate for an independent office, the salary of both being the same (1,400*l.* a-year), the Clerkship of the Pells being during good behaviour, and the tenure of the office of Commissioner of Customs pretty nearly the same; for there was no instance of a Commissioner of Customs being removed, except for misconduct. Thus, the whole inducement to Mr. Ellis to remove from one situation to the other was, that he might fill an independent office. But what condition was it that the hon. member for Whitehaven called upon the Government now to exact from Mr. Ellis? Mr. Ellis was to be required, after twenty-two years of faithful service, and having filled various important public employments in different parts of the world, and being placed nine years ago in an independent situation by Lord Liverpool,—after this Mr. Ellis was required to accept a subordinate office. The hon. Member called upon Mr. Ellis to retire from a situation of perfect independence, co-equal with the Auditor of the Exchequer, and become Assistant-Comptroller. If there was any great public saving to be effected by this plan, it might be admitted to be justifiable on economical grounds, although not upon any other principle; but no such saving would result from it, as there were four other individuals in the Exchequer receiving nearly equal salaries. One was the First Clerk of the Auditor; then came the First Clerk to the Clerk of the Pells, a person of long experience, whose salary was very nearly equal to that of the Comptroller, and who would be entitled to a retiring allowance of almost the same amount; then there were two Tellers of the Exchequer, who stood upon nearly equal grounds; so that Government had sufficient choice of persons to enable them to fill up the Assistant Comptrollership without detriment to the public, and without imposing a hard and humiliating condition upon Mr. Ellis. He had drawn a distinction between the Tellerships of the Exchequer, which were sinecure offices, and performed by deputy, and the Clerkship of the Pells, which did not partake so much of a sinecure character, and was not performed by deputy; and he had stated, that Government proposed to deal differently with the two cases. To the Tellers it was proposed to grant retiring salaries unconditionally, for the reasons he had stated when first mentioning the subject, but to the Clerk of the Pells (who held office under a tenure different from that of the Tellers) a superannuation allowance was granted conditionally,—the condition being, 'that 'no such compensation shall be paid to 'any person holding an office in the present establishment of his Majesty's Exchequer (including the Clerk of the 'Pells) who shall be appointed to an office of equal or greater emolument under the Crown.' Under these circumstances, in the event of a fit office becoming vacant, it would be the duty of Ministers to offer such office to Mr. Ellis, with a view to save the superannuation allowance which he would enjoy as retired Clerk of the Pells. He had used no dissimulation with the House; and he now appealed to Members, as gentlemen and men of honour and liberality, whether Government would have been justified in dealing out so hard a measure as that proposed by the hon. member for Whitehaven to an individual after twenty-two years of valuable public services, and after nine years' possession of an important independent office? Would Gentlemen call upon Government to deal thus harshly with such an individual, when it could, by acting generously and fairly towards him, without injury to the public, abstain from wounding the feelings of a man of high honour and acknowledged ability?

Sir *George Staunton*, as a colleague of Mr. Ellis, bore testimony to his valuable services in various diplomatic offices, and hoped that Parliament's sense of justice would not permit it to deprive that gentleman of the present small and inadequate reward for the labours of more than twenty years.

Mr. *Matthias Attwood*: If Mr. Ellis had performed great public services, strike his name out of the Bill, and address his Majesty to place him on the Pension-list. If this proposition were not acceptable to the House, let Mr. Ellis be called upon to fill the office of Comptroller-General, for which he was so eminently fitted by his talents and great public services.

Mr. *Henry Bulwer* was sorry to find it necessary to appeal to the House, lest a man of eminent public services should be degraded by being reduced to an office of subordinate rank.

Mr. *Charles Grant* wished to express his opinion on the services of Mr. Ellis. He had been described as "new to the public service." Never was there a gentleman to whom that expression could be less justly applied. Perhaps there was no public man who, after such long and continued services, had gained so little. Mr. Ellis, for the last three years, had been one of the unpaid Commissioners of the Board of Control. His intimate acquaintance with the whole system of our Indian policy (Mr. Ellis having been in India more than once) had proved extremely valuable; and he (Mr. Charles Grant) was bound, in common justice, to confess his obligations to his right hon. friend last year, on the question of the renewal of the East-India Company's charter.

Mr. *Goulburn* said, that there was not the slightest doubt or imputation on Mr. Ellis's merits and services; and he quite agreed with the right hon. Baronet (Sir James Graham), that it would not be justice to any gentleman who had filled such a situation as Mr. Ellis to place him in the subordinate situation of Assistant-Comptroller. What he (Mr. Goulburn) felt, was this,—that, knowing Mr. Ellis to be a man of business, who had been employed in important public transactions, and believing him to deserve the confidence of

Government, he thought him possessed of abilities which qualified him for the Comptrollership. Such being the case, he thought, when that office was created, that Mr. Ellis was the individual who had the fairest claim to the situation. He would not hesitate to vote for a reward to Mr. Ellis, if necessary; but he thought, that justice would be equally satisfied, and the public money would be saved, if that gentleman were appointed Comptroller-General of the Exchequer. The real difference between the right. hon. Baronet (Sir James Graham), the noble Lord (Granville Somerset), and himself, consisted in this,—that the right hon. Baronet thought one Comptroller sufficient, whereas the noble Lord and he were of opinion, that two would be better. If two officers were appointed (as had been originally contemplated, in consequence of the Report of the Commissioners), the two would have salaries of 1,500*l.* a-year each, and the responsibility would be divided, which he thought preferable to having only one responsible officer. Who was the person that had made objections to the acts of the Treasury? Not the Clerk of the Pells, but the Auditor. Objections rarely proceeded from the Clerk of the Pells. Hence the utility of a system of double checks was apparent; and a complete answer was afforded to the paper drawn up by Mr. Ellis. The circumstance to which he had referred proved how desirable was a division of responsibility, which could only be obtained by having two Comptrollers. We had an example from the practice which formerly prevailed, that a double check was attended with security. Why depend upon a single check in future? He agreed with the right hon. Baronet as to the advantage of getting rid of the cumbrous machinery of the Exchequer; but he objected to endangering the public security by leaving the responsibility in the hands of one officer. If two such officers as had been proposed were created, Mr. Ellis was extremely fit to be one of them. The real point was, should there be two officers or one? He was decidedly in favour of the double check, thinking that what had already proved efficient for the maintenance of public security would continue so, whereas the system now proposed to be adopted might, or might not, turn out to be successful.

Lord *Althorp*: The question raised by the right hon. Gentleman who spoke last was, "whether it was expedient to have a double or single check?" Theright hon. Gentleman said, that the double check had not proved bad in practice, but the contrary. This might be; but there was no reason to suppose, that a single check would not be sufficient. Was there any chance that a single check would not turn out amply sufficient for public security? If there were two independent officers, there must be two establishments; and, unless it was quite clear that there was greater advantage in two checks than in one, he must object to the proposition. As to the propriety of Government appointing Mr. Ellis Comptroller instead of another individual, Government was responsible for its appointments, and would naturally nominate persons such as they thought fit for the duties assigned to them. Government had a right to make its choice of officers free and unencumbered. He was happy to hear every one admit, that Mr. Ellis deserved compensation. The question having been raised, whether Government ought not to have appointed that gentleman Comptroller-General with a view to the saving that would accrue from the appointment, he could only reply, that he thoght it impossible to argue a point which it rested entirely with Government to dispose of on its own responsibility.

Mr. *Goulburn* agreed with the noble Lord in his general proposition, but thought that on occasion of the construction of a new class of officers, it involved no improper interference with the functions of Government or prerogative of the Crown to suggest the nomination of qualified individuals, who must otherwise be superannuated at some cost; neither could he see any impropriety in suggesting the adoption of the most efficient system of control over the expenditure of the public money.

Colonel *Evans* was glad to see, that the general feeling of the House was, that Mr. Ellis should not be degraded by being offered a subordinate office. He did not think that Mr. Ellis had been treated with any extraordinary favour. The Tellers received compensation unconditionally, although their offices were perfect sinecures, while the Clerk of the Pells, whose situation was not a sinecure, received compensation subject to certain conditions. It appeared, that five orsix years ago, Mr. Ellis made some economical recommendations, and now it was proposed by the hon. member for Whitehaven to deprive him of his office, and place him in a subordinate situation. The hon. Member, however, had made the *amende honorable*, by suggesting Mr. Ellis's appointment as Comptroller-General. If any one would propose Mr. Ellis for that situation, he (Colonel Evans) would vote for the appointment.

The Resolution was agreed to.

Sir *James Graham* then proposed a Resolution to the effect, that as compensation to the Tellers of the Exchequer and Clerk of the Pells, whose offices would be abolished, the sum of 8,323*l.* should be paid to them annually, and that the said sum should be charged upon the Consolidated Fund of Great Britain and Ireland.

Mr. *Hume* thought it would be prudent not to grant compensation to any individual while he was able to work, and to discharge the duties of some other office under Government. They should not agree to this Resolution without having a distinct pledge from his Majesty's Ministers, that if any of the individuals to whom those allowances should be given should be hereafter appointed to any situation under Government, the allowance should cease. If they could not any longer employ Mr. Ellis as Clerk of the Pells, why not take the earliest opportunity to give him some other employment?

Lord *Althorp* would assure the hon. Member, that it was the wish of his Majesty's Government to give Mr. Ellis employment, and that their anxious desire was to find out some employment for a Gentleman of whose abilities they entertained the highest opinion.

Mr. *Tennyson* thought, that compensation should only be granted to Mr. Ellis on the condition of his accepting the first office offered to him.

Lord *Althorp* said, that it would not be just to deprive Mr. Ellis of all power of making a choice. He did not apprehend that Mr. Ellis had any wish to refuse the acceptance of an office, and from what he knew of his right hon. friend he was perfectly certain that it was his anxious desire to be employed. He had already stated, that his Majesty's Government would take the earliest opportunity to give him some employment.

Mr. *Tennyson* thought, that Mr. Ellis might very well discharge the duties of Comptroller-General, which office, it appeared, with a salary of 2,000*l.* a-year, was to be given to Lord Auckland. By that means a saving would be made for the public, deducting any pension which Lord Auckland might give up on being appointed to this new office. It should be distinctly understood, that, if Lord Auckland should be appointed to the situation of Comptroller-General, he would give up his pension.

Sir *James Graham* said, he had again to repeat the assurance which he had given on the part of Lord Auckland, that while he held the office of Comptroller-General, it was not his intention to receive that pension to which he possessed a vested right. As to Mr. Ellis, it was obvious that he had a right to be placed in an independent situation before they talked of giving him another appointment. If Mr. Ellis had no right, by the nature and tenure of his office, to compensation, then, indeed, the argument of the right hon. Gentleman might have some force. But on the abolition of his office, Mr. Ellis had a right to compensation; and when that matter was decided, then it would be for him either to refuse it, or accept any situation which the Government might offer him. On the part of Mr. Ellis, he would give this assurance, that if the Government should offer him a situation (which it was their intention to do at the first moment that it was in their power), he would not refuse it.

The Resolution was agreed to, and the House resumed.

IMPRISONMENT OF SOLDIERS IN COUNTY GAOLS.] On the Order of the Day for receiving the Report of the Mutiny Bill being read,

Sir *Edward Knatchbull* wished to take that opportunity to put a question to the right hon. gentleman, the Secretary at War. It was well known, that great inconvenience was produced in the county gaols throughout the kingdom by the imprisonment of soldiers under sentence of Court-martial. From fifty to sixty men formed generally the average number of soldiers confined under such sentences in the county gaol of Kent, at Maidstone. It was unnecessary for him to dwell upon the inconveniences thereby produced. The imprisonment of such a number of men there put it out of the power of the Magistrates to introduce such improvements as they might wish to effect in the discipline and government of the gaol. The House, he was sure, would see, not only the inconvenience, but the impropriety of confining soldiers amongst felons in a county gaol. He hoped, therefore, that some measures would be taken by Government to remedy this evil.

Mr. *Ellice* could assure the hon. Baronet, that he was fully aware of the great importance of this subject. It had been very lately under the consideration of Government, and within the last week measures had been suggested to him which he had no doubt, when they were matured, would put an end to the inconvenience complained of. He trusted that this statement would satisfy the hon. Baronet, that Government were sensible of the evils to which he had alluded, and that they had done, and were about to do, all in their power to stop them. The number of Courts-martial that had been lately held had very much increased the number of prisoners that had been sent to the gaols of the metropolis and of the county of Kent. It was quite true that soldiers, after their intercourse with the other prisoners in gaols, returned to their regiments in no improved state of mind, and the evil had arisen to such a height that Government had no choice left but that of considering measures for confining soldiers separately. He trusted that he should be shortly able to introduce a measure for that purpose.

Sir *Edward Knatchbull* declared himself perfectly satisfied with the statement of the right hon. Gentleman.

FLOGGING IN THE ARMY.] On the question, that the report of the Mutiny Bill be received,

Major *Fancourt* rose to bring forward the Motion of which he had given notice on this subject. He said, that in submitting to the House some of the considerations which induced him to move a clause for the abolition of military flogging, he was anxious that the motives by which he had been induced to come forward should not be misunderstood. He could assure the House, that if any hon. Gentleman, whether connected with the Ministers or not, had evinced a disposition to take up the question with a view to its final settlement, he should have been content to give a silent vote for the abolition of military flogging; but when on a late occasion he saw the hon. member for Sheffield abandon his motion on what (to him at least) appeared a somewhat vague and unsatisfactory promise from the right hon. Gentleman opposite, he thought it his duty to give notice of a Motion on the subject, and for this reason—that whether the punishment of flogging was necessary for the preservation of military discipline or not, it was of great importance that the question should be fairly met and disposed of by a definite expression of the views of Parliament. The discussion of such a question year after year, in almost the self-same terms, and meeting it by a promise of gradually diminishing a practice which, if indefensible, should be abolished at once, was not a course calculated to lend dignity to any deliberative assembly. He, therefore, indulged a hope, whatever resolution the House might adopt on the present occasion that one advantage at least would be gained,—namely, that the country would be enabled to judge from the votes of its Representatives in Parliament whether the degrading practice in question was likely to be discontinued. Certain it was, that its discontinuance might now be most naturally demanded; for, without enumerating the long list of distinguished persons who had so often and so eloquently denounced this practice, he might observe of the present Government generally, that looking at the reiterated professions of its Members, and the avowed character of its policy, the country had a right to expect something more definite than the order lately issued from the Horse-Guards. In the humane and enlightened views of the right hon. Gentleman (the Secretary-at-War) he felt disposed to place full confidence; but if the practice complained of was, as he contended, a national disgrace, its longer continuance could hardly be justified on the ground that the right hon. Gentleman and his colleagues were anxious to abolish it. Before proceeding to a more close consideration of the arguments urged in support of military flogging, he would just say a word on the order lately issued from the Horse-Guards, in compliance with a pledge given to that effect by the right hon. Gentleman. The order was very short, and with permission of the House he would read it.—"His Majesty's Government having signified to the General Commanding-in-Chief the King's command, that until further orders corporal punishments may be applied to the following offences only, I have the honour to express Lord Hill's desire, that you guide yourself accordingly, taking care that, except in the instances herein specified, the said punishment shall on no account be inflicted:—1st. For mutiny, insubordination, and violence, or using or offering violence to superior officers. 2nd. Drunkenness on duty. 3rd. Sale of, or making away with, arms, ammunition, accoutrements, or necessaries, stealing from comrades, or other disgraceful conduct. It will doubtless occur to you that the object of these instructions is not to render the infliction of corporal punishment for the future more frequent or more certain than it is at present, even in the cases in which it is now to be restricted; but, on the contrary, that the intention is to restrain it as much as may be possible to do so with safety to the discipline of the army." Now, it really appeared to him, that this order left the matter much in the same state as that in which it originally stood. It was true, that they got rid of flogging for desertion; but a more comprehensive phrase than "insubordination and other disgraceful conduct," could hardly have been selected. The offences enumerated in the Mutiny Act under this latter head, he would read to the House. [The hon. Gentleman here read some extracts from the Mutiny Act, which showed that this phrase embraced many offences.] It appeared to him, that an officer disposed to undue severity would find nothing in this order to restrain him. Some Gentlemen might be disposed to ask, if it was probable, that officers would act in a manner at variance with the spirit of the order? That was a question which he did not feel called on to answer. He was to judge of the spirit of the order by the manifest import of its wording; and this was, he would contend, of a nature to admit of almost any abuse of authority on the part of a superior officer. Far be it from him to accuse officers generally of a disposition to abuse their authority; but his object was to place the soldier beyond the reach of any such abuse, and towards the attainment of that object, the order lately issued from the Horse-Guards, was, in his opinion, of no assistance whatever. But let them examine the actual working of the present system, and what advantage resulted from the possession of that power which it was sought to abolish. In the first place, he was anxious to point out one very important error into which many hon. Gentlemen had fallen. They entertained an opinion, that it would be inexpedient and dangerous to deprive courts-martial of a power, by the possession of which alone they could hope to deter the ill-disposed from the commission of extreme offences. Now, in point of fact, these were the very offences which were not visited by the lash. Flogging, as at present inflicted, might be termed a punishment for such offences as were tried by district or regimental courts-martial, which were the tribunals for lesser offences. District courts-martial were limited to the infliction of 300 lashes, and regimental, to 200 lashes. General courts-martial, on the contrary, before which the graver offences were tried, might inflict any number of lashes; but, as they were no longer permitted to bring a culprit up a second time for the purpose of receiving that portion of the punishment which, from exhaustion, he might be unable to undergo, general courts-martial, for the most part, passed sentence of transportation or imprisonment, as being a punishment more commensurate to the crime than the infliction of the number of lashes which, ordinarily speaking, the prisoner was able to bear. Thus the practice in question was brought into operation precisely in those cases where it was least called for, while the most flagrant violations of military duty were differently treated. But, in refutation of the fear, that the lash was necessary to keep the soldier to his duty, he would observe on a very important fact which had singularly enough been passed over in all previous discussions of this question; it was, that in the Horse-Guards the punishment of flogging could hardly be said to exist, for a man, if flogged, was usually expelled the regiment. Were they not to infer from this, that the punishment of flogging was in those regiments regarded in so disgraceful a light, that a man once flogged, was for ever degraded in the eyes of his fellow-soldiers? He might, perhaps, be told, that a superior class of men enlisted in the Life Guards. That great inquiries were made as to the characters of men who wished to enlist, he was aware; but he questioned much whether men able to stand the test of such inquiry, would join the regiment but from the very fact, that they could not be subjected to the lash for any offences, save those which rendered them unworthy to remain in that regiment; and this he conceived to be a strong proof of the debasing nature of corporal punishment. He would not detain the House by any description of the barbarity of this punishment, or of the brutalizing influence which it must have on the minds of those subjected to it; on those points all, he believed, were pretty well agreed: then, surely, it was the solemn duty of Parliament to inquire, whether some efficient substitute might be provided for a class of punishments liable to such grave objections. For his own part, he was convinced, that such a substitute might be furnished in solitary confinement. That this latter would be the more efficient punishment for the reclamation of offenders, he was justified in believing, from the result of many and anxious inquiries, and also from what had fallen under his own observation, with respect to the effect of the punishment in regiments in India. He remembered one instance, in particular, of a man in a regiment in India, in which he (Major Fancourt) had the honour to serve. He was sentenced to 300 lashes, and the commanding officer told him, that he might escape the infliction of the corporal punishment if he would submit to three weeks' solitary confinement. The man said, he would rather undergo the lashes. He was aware it was unusual to give such an option; indeed, the practice was subsequently repressed by Lord Hastings, the then Commander-in-Chief; and he merely mentioned the fact as illustrative of the horror with which the soldier contemplated the punishment of solitary confinement. It might, perhaps, be said, that this case went to prove the small degree of apprehension with which the soldier regarded the infliction of the lash, but he begged further to add, that the man in question was an old offender, and, in his case, as in almost every other, it might be confidently asserted, that a man once subject to the lash, so far from being reclaimed, became a hardened and incorrigible offender. At present, the punishment of solitary confinement in the hands of regimental courts-martial, was limited to twenty days; if substituted for the lash, it might be extended in duration, and accompanied with circumstances of severity with reference to diet and other things, as the court-martial should adjudge. As to the objection to solitary confinement on the score of the expense of building cells, surely the consideration of expense would not be urged, when they were called upon to put an end to a national disgrace. But some hon. Members might say, why interfere with the punishment now, when, by universal acknowledgment, year after year, the lash was falling gradually into disuse? This argument, if good for anything, was, he thought, favourable to the abolition of the punishment; for why preserve to courts-martial a power the exercise of which was yearly decreasing? Unless necessary for practical purposes, why should the soldier labour under the degrading consciousness of its existence? If the army, by the progressive improvement of its men, or by the more temperate and judicious decisions of its courts, could dispense with the odious practice, was not that an additional reason for consulting the national feeling, which justly revolted at the subjecting a British soldier to the lash? He, for one, thought so; and when hon. Gentlemen talked of the yearly decrease of the punishment, he found in their argument an additional reason for its total and final abolition. But to return to the question of the substitute: if by this term was meant the substitution of one system of savage torture for another, then he would at once confess, that he had no substitute to propose; but, that a class of punishments fully adequate for the enforcement of military duty, and, at the same time, offering no outrage to humanity or natural feeling, might be adopted, he was fully convinced. The House was not, probably, aware, that there already existed in the army a class of secondary punishments, which, in addition to the solitary confinement of which he had already spoken, would, he thought, leave little to be desired in this respect. Such were the forfeiting of all advantages as to additional pay or to pension on discharge, confinement to barracks, extra duties, and other punishments of a like nature,—all, be it observed, exceedingly vexatious to the offender, while they excited none of that commiseration in the minds of his fellow-soldiers which was caused by the infliction of the lash. To these he might add, what, he thought, would be an equally just and efficient punishment—namely, the withholding the soldier's daily pay on every occasion on which the regiment was deprived of his services, either by drunkenness or misconduct, on such occasions putting him for the time on prisoners' diet. In the instance of an incorrigible offender, he could not but think, that expulsion with ignominy from the army would be the preferable course in every point of view. If it were true, that flogging seldom, if ever, reclaimed a man,—nay, that on the contrary, it caused a reckless abandonment of character, so that the soldier once subjected to the punishment, became comparatively hardened to it, and, consequently, to the offences by which it was incurred—if this were true, then what possible advantage could be gained either by the infliction of the punishment in the first instance, or by retaining such a person in the regiment at all? Granting that the pernicious influence of such a man should be productive of no contaminating effects, a supposition scarcely possible, still a well-conducted body of men had just cause of complaint if one or more incorrigible offenders, notorious for disregard of duty, were suffered to remain among them. The self-respect of the soldier must necessarily be lowered by such a course. But how different would be the result were ignominious expulsion adopted as the extreme punishment! Not only would the regiment get rid of an incorrigible offender, but his comrades would be made to feel, that an obstinate adherence to unsoldierlike and disgraceful conduct, rendered a man unworthy of remaining one of their body. The moral effect of such a course was, he thought, self-evident. But some hon. Members would say, this is beginning at the wrong end; you must first persuade a superior class of men to enlist before you can bring the soldier to this lofty sense of his duty. With great submission, he (Major Fancourt) thought, that they never would be able to recruit their army from a class of men superior to the present, until they removed the disgraceful badge which now distinguished the soldier from the citizen—namely, his liability to the lash; and he further ventured to affirm, that this humane and necessary step once taken, they would find respectable persons in the working and middle classes, not only willing, but anxious to embrace a profession presenting many advantages. There was only one more point connected with this question, with which he thought it necessary to trouble the House. Many Gentlemen, officers of the army and others, though favourable to the principle of abolishing the practice of flogging, seemed to consider the power of inflicting it as necessary during active service, or during the line of march. Now, what was the fact? A man flogged under such circumstances, was necessarily disabled for a considerable time—he was laid on the hospital carts an object of sympathy, rather than a salutary example, to his fellow-soldiers. The course adopted by the French army was, he thought, much more efficient. The offender was ordered to the rear, treated as a prisoner, handcuffed during the day's march, and at night confined in the gaol of the town at which the regiment halted, till at the end of the journey he was formally tried and sentenced to such further punishment as the nature of his offence might demand. It might, perhaps, be urged, that offenders would regard such a punishment with indifference—that, in fact, it would be matter of indifference to them if they were ordered to the rear or not. Such an argument might be applicable, were being ordered to the rear the full amount of their punishment; but it was to be remembered, that in addition to being cut off from all communication with their fellow-soldiers during the day, and confined in gaols at night, they had before them the certainty of trial, and the probability of severe punishment at the end of the march; so that the period looked forward to by others as one of comparative relaxation, presented to the mind of the delinquent the fear of rigid investigation, and such further punishment as the nature of the offence might demand. By this means, also, while undergoing his punishment, the man's efficiency was unimpaired,—a point not unworthy of remark while considering the case of a soldier on active service. As the experience of officers might be quoted, he begged, in corroboration of the view which he had taken of this subject, to allude to some very striking observations in a work published by Lieutenant Shipp, of the 87th regiment. He was not about to allude to any case of cruelty, but he thought, that even those who were unacquainted with this officer's distinguished services in India would hardly question his experience, when they were informed that he raised himself from the rank of a private soldier to that of a commissioned officer. In the course of that gentleman's remarks on the practice of military flogging, he quoted ten instances, as having, out of many others, claimed his particular notice. In four out of these cases, the punishment of flogging was followed by habitual drunkenness and abandonment, till a premature death closed the offender's career. In five out of the remaining six cases, the soldier-like character and general efficiency of the soldier were utterly destroyed; while, in one instance, and one only, the man was reclaimed. But how was he reclaimed? By the lash? No; but by a few words of kind remonstrance from his colonel—by an unconditional remission of his sentence after he had been tied up to receive it, and by a promise, that if by his future conduct he should deserve promotion, it was open to him. This man had been flogged into obduracy, but, even in that stage of demoralization, he was subdued by a change of treatment from his superiors; and it was added, that, under such treatment, he became an exemplary soldier, and deserved and obtained promotion. Now he really thought, that, if the experience of officers was to guide them on matters of that nature, the testimony of one who, like Lieutenant Shipp, had seen thirty-four years' of active service, passing, as he himself said, through the several gradations, from the drum-boy upwards, should receive attentive consideration. The hon. Gentleman here read the following extract from the Memoirs of Mr. Shipp:—"I am fully persuaded, from my long experience, that flogging will never urge men to reformation; for I have ever observed, that it causes increased disobedience and discontent, and at last drives them to acts of sad desperation. Some of the vehement advocates for the cat also argue (but I think very fallaciously), that the minds of common soldiers are, from their early habits of life, barren and uncultivated, and hence more callous, and not so susceptible of the tenderer and nicer feelings, as those of the more enlightened. This is not quite so obvious to me, who have lived with them both boy and man. I would ask those who are enemies to the abolition of corporal punishment a few simple questions. Have they served in the ranks, and mixed and lived in social friendship with the private soldiers of our country? Have they ever sat at the bedside of a flogged man, and witnessed the agony of his heart, and the distraction of his mind? Have they ever heard the unintimidated and unbiassed opinions of the soldiers in their barrack-rooms respecting the ignominious lash? If not, they are but half-competent judges on this great question." He had thought it right to submit these few considerations to the House. In so doing, it had been his object to compress, within the shortest possible compass, any arguments or suggestions that appeared conclusive to his own mind, for he was well aware that the subject had been frequently before the House, and also that many hon. and gallant Members were qualified by long experience to propose the most efficient remedies, should the voice of Parliament pronounce the present practice a decided evil. That it was so, he, for one, was fully convinced; and he trusted that all those who shared that opinion with him, would honour its expression with their support; by so doing, they would consult the feelings of a large majority of their fellow-subjects, not less than the honour and true interests of the army itself; nor, in his opinion, would such a course be productive of any embarrassment to his Majesty's Government. It was true that, in the opinion of the country, the practice of flogging ought long since to have become obsolete; but he hoped the House would not regard this subject with the narrow views of professional prejudice, or as one at all invested with party feeling. However happy he should feel in seeing it intrusted to able and influential hands, still he could not but regard such a question as something more than a Ministerial one. It was, he conceived, a national question, and he trusted it would be entertained and disposed of in that light only, and not with reference to the narrow views of professional prejudices or party predilections. He should now conclude by moving the resolution,—"That from and after the passing of this act, the punishment of flogging should be entirely abolished in the British army."

Mr. *John P. B. Chichester* seconded the Motion. He complimented the hon. and gallant Gentleman who had introduced this subject to the House on the very clear and able manner in which he had brought it forward. There was a universal feeling in the country that this punishment of flogging ought to be abolished. He was not a military man, and was, therefore, perhaps, not competent to speak on this matter, as it regarded discipline; but he could, at all events, say, that, within the last ten years, in the country districts in which he had resided, objections to the system had been becoming more and more general, and existed now almost universally. With a view to the improvement of the moral condition in the army, there ought, he conceived, to be changes and improvements of a character to keep pace with the advances that had been made in civil society. In support of this position, he hesitated not to appeal to hon. Members present who were of the military profession, and to the former debates which had taken place within the walls of Parliament. He would refer to what passed with respect to picketing, a sort of punishment in the horse regiments, which was formerly in vogue, by tying a man up to the ceiling by his wrists and placing his toe on a pointed stake driven into the earth; thus reducing him to the necessity of hanging his whole weight upon his wrists, or of running this spike into his toe. When it was proposed to abolish this punishment, several high authorities, military men, declared that the discipline of the regiments could not be kept up if they were to be prohibited from having recourse to it. Their prophecies were disregarded, picketing was abolished; and let him ask whether the discipline of the army had suffered in consequence? The same species of reasoning might, in the year 1834, be applied to the abolition of flogging; and he had very little hesitation in stating it to be his opinion, that the fears for the discipline of the service were fully as chimerical in this case as they were in the instance he had just referred to. He, therefore, most cordially seconded the Motion of the hon. and gallant Member.

Mr. *Robert Grant* could not but congratulate the hon. and gallant Member who had brought forward the present Motion upon the great temper, moderation, and conciliatory spirit, with which he had submitted it to the House. He thought it necessary, standing officially as he did in the House, to call its attention to the true position in which the important subject now under its consideration really stood, because he thought that the hon. and gallant mover of the proposition now submitted to the House had been guilty of an oversight in this respect. He was the more desirous of reminding the House of these circumstances, because it had been charged as a great omission on the part of the hon. member for Sheffield, that he had not persisted in bringing forward the Motion of which he had given notice. That hon. Gentleman was even blamed for having acquiesced in what were termed the vague assurances of his right hon. friend. It appeared to him, that, if the hon. and gallant Member had accurately remembered all that took place last Session on the subject, he would have been better content with his right hon. friend's conduct, and with the conduct of the hon. member for Sheffield. He did not pretend to say, that any hon. Members were precluded from offering any proposition to the House, that, in their judgment, they might determine on; yet he must say, that, referring to what took place last Session, in his opinion, an understanding was come to, which precluded them from viewing this as an open question. But he would not speak with reference to the expression of the opinion of the House last Session, and the course upon that expression of opinion taken by his Majesty's Government. At a late period of the Session, a motion was made by the hon. member for Middlesex, not for the abolition of flogging as a general proposition, but for its complete abolition within the United Kingdom. It would be recollected that several hon. Members, who readily acceded to that motion so limited, took occasion to declare, that, if it had gone further—if it had extended the prohibition to foreign parts, where our interests were in a more critical situation—they could not have gone along with the hon. member for Middlesex in that extension. It was said, however, by other hon. Members, and with great force, that it would be perfectly inconsistent, and very impolitic, if one system of punishment were allowed to exist in the army in this country, while another system existed in our army abroad; those, too, were to continue liable to the infliction of a punishment declared to be the more degrading, who were most exposed to dangers and hardships, and who were called upon for the greatest exertions in the discharge of their duties. Such being the state of opinion, a proposition was submitted to the House to limit the experiment, not locally —not so as to have one system abroad and another at home—but to confine it for the future to three classes of crime; viz., mutiny, drunkenness on duty, and theft. Upon this proposition of the hon. Baronet, the member for Westminster, the House divided, when there appeared in its favour certainly a large minority—a minority so large, that his Majesty's Government felt that an opinion thus expressed was entitled to considerable weight in their deliberations. The Government had various discussions on the subject, as he happened to know, for he was called upon to take his share in them. Some time after—he forgot exactly the date—a motion was made by the hon. member for Sheffield, in which he pledged himself that his Majesty's Government meant to adopt a principle of restriction, agreeable to the general terms, almost of that restriction adopted by what was almost a majority of that House. Some few weeks elapsed before that pledge was redeemed, the Government feeling naturally anxious to take every possible precaution before they committed themselves to a change of such great importance. The question, then, was, whether the instructions given in the circular issued by the military authorities at the Horse Guards corresponded with, and amounted to, the pledges given to the House last Session. He would bring to the recollection of the House the part which he took in the discussion when the question was formerly before them. On that occasion he had stated, freely and candidly, that he felt himself absolutely bound by the military authorities in regard to the orders to be issued by them on the subject of Corporal Punishment; and he hoped the House would give him equal credit for candor on this occasion, when he stated, on his own responsibility, now that the orders were issued, what their effects were. He would implore the House to pause before they rushed into the plan proposed by the hon. and gallant officer, and to consider what the effects of it would be. Having said this, he would proceed to state the grounds upon which he ventured to call upon the House to suspend their decision upon the question. It would be in the recollection of hon. Members, that when the hon. member for Middlesex brought forward his Motion last Session, it was entirely different from that which they had now to consider. The proposal of that hon. Member was neither more nor less than an experiment for the purpose of endeavouring to mitigate this species of Corporal Punishment, and it was restricted in its operation to Great Britain and Ireland. The question, then, for the House to consider was, first, whether, in the time that had elapsed since the question was formally before the House, the experiment had been fairly tried; secondly, whether, if the experiment had been fairly tried, it was sufficiently so to enable them to judge of its effects; and it was only after these two questions had been discussed, that they could consider the proposition made by the hon. and gallant Member for the utter abolition of corporal punishment. He would venture to say, that the debate of last Session, on both sides of the question, gave sufficient reasons for not adopting the propositions now made by the hon. and gallant Officer. He maintained, that the experiments which the Government pledged themselves to try, and which were embodied in the Circular issued from the Horse-Guards, had been tried, and were now in the course of trial; and he would further maintain, that they had not been sufficiently tried,—at least not so completely as to warrant the House to proceed further by way of change. He would not then read the circular, as it had already been read. He observed, however, that the hon. and gallant Officer complained, that it was vague and unsatisfactory, and not agreeable to the pledges given to the House. He (Mr. Grant), on the other hand, contended, that the circular was of that general nature which ought to be issued; and that it was entirely in unison with the pledge given to the House. The wish of the authorities was not to specify the punishment to be awarded to each particular offence; but to divide the offences into classes, and to specify the punishments to be awarded to each class. They wished, also, to restrict those classes to as small a number as possible. There was, for instance, mutiny; which, with all its subdivisions, was the subject of one class, and corporal punishment was awarded to it. The only difficulty in that class was, whether insubordination should be included in it; but it was considered proper that it should. The next class was that of disgraceful conduct; and corporal punishment was awarded to every offence which could be included under that head; for it was not thought that corporal punishment should be inflicted upon one person found guilty of an offence which could come within the denomination of disgraceful conduct, while another escaped. He need not remind the House of the aphorism, that disgraceful punishment should follow a disgraceful offence; for it was as old as the Roman law,—*infamia facti, infamia juris*; but that was not the ground upon which he defended this general classification in the present instance. The ground upon which he defended it was, that an offence in itself disgraceful should not be punished more lightly than one which was not in itself disgraceful, but which the discipline of the army required to be severely punished. There was no distinction, therefore, between the degree of punishment awarded to theft, and all that class of disgraceful offences and drunkenness on duty, which was not in itself so disgraceful to the individual, but was a grave offence in a military view. If, then, they made drunkenness on duty liable to corporal punishment,—a punishment disgraceful to the individual,—they would be doing an injustice if they allowed the person guilty of a disgraceful crime to escape with a lighter punishment. It would be most unfair if a person guilty of purloining could boast over the man who had been guilty only of being drunk, and taunt him with having been whipped, while he (the thief) was exempt from that disgraceful punishment. He, therefore, maintained, that it was impossible to exempt persons guilty of that class of offences, which were disgraceful in their character, from corporal punishment. He felt it to be due to the military authorities to state, that they had limited corporal punishment to the very narrowest bounds which they could prudently do; and that in every case where a doubt had arisen as to the necessity of inflicting corporal punishment in any case, they had always interfered to prevent it. He could but refer the House to one paragraph of the circular to show what the feelings of the authorities at the Horse-Guards were upon this subject. They said, "These orders are not intended to render corporal punishment more frequent or more certain than at present. It must be evident, therefore, that an experiment to carry the wishes of the House into effect had been fairly and *bona fide* tried; and the question for the House to consider was, whether or not it had been sufficiently tried, and if the success of the experiment was such as to entitle them utterly to abolish corporal punishments in the army? It would be in the recollection of the House, that the proposition of the hon. member for Middlesex, last Session, was to abolish corporal punishments within Great Britain and Ireland, but to continue it in foreign parts. But it was admitted, that nothing was so dangerous as to limit and declare illegal the punishments at home which were still continued in foreign parts, especially as in foreign parts it was much more difficult to obtain those mitigations of punishment which, by an application to head-quarters, might, in proper cases, be obtained at home. He (Mr. Grant) contended, that, in the short time since the order was issued, it was almost impossible to judge how the experiment worked, even at home; that, as to its operation in foreign parts, it was perfectly impossible to judge. In some of the very distant Colonies the order had hardly yet arrived, or at least been put into operation; from others there had yet been no returns; and from some that were not so remote, there had been returns, but they extended only to a month or six weeks from the time when the order was promulgated, and its operation could not possibly be known. Yet, in the ignorance of the state of the experiment abroad, and with the very little opportunity of knowing the result of its operation at home, the House was called on by the Motion of the hon. and gallant Member utterly to abolish the punishment of flogging in the army. He would bring one more proof of the sincerity with which the experiment was tried by the military authorities. The House might, perhaps, wish to know what the result of the experiment, as far as it went, was; and he now held in his hand a return made to the House on the Motion of an hon. Member, which showed the number of corporal punishments inflicted by sentence of Courts-martial for the last four years, and which included the punishments both before and after the order was issued. From this Return it appeared, that the number of corporal punishments inflicted by sentence of Courts-martial, during the year,

1830 ..... was 658
1831 646
1832 485
1833 370

So that they had decreased nearly one-half within the last four years. He (Mr. Grant) had, besides this, made up an account of all the punishments inflicted under sentences of regimental, district, and general Courts-martial in the kingdom, from the year 1820 till the year 1833, and taken the average of them. He had divided that time into four periods, till 1833, and divided the latter part of 1833 (during which the orders were in operation), and he had made an average of the proportions which the corporal punishments bore to the whole of the other punishments. From this account he found that, during the years 1821, 1822, and 1833, the number of corporal punishments, out of all the punishments inflicted, was one out of two; during the years 1825, 1826, 1827, and 1828, one out of three; during 1829, 1830, 1831, and 1832, one out of six; during the part of 1833, previous to the issuing of the Circular from the Horse-Guards, one out of nine; and during the latter part of 1833, while the orders were in operation, one out of fourteen. This showed that the military authorities had acted *bona fide*, and meant to make a fair trial of the experiment. But it was quite impossible that in the few months' experience which they had had, they could judge what the result would be; and that he conceived to be conclusive of the proposition of the hon. and gallant Officer. He felt it as a misfortune to himself, that he had another communication to make to the House, connected with the question, of a very painful nature. He was sensible that it was impossible to come to a right judgment as to the result of the experiment until it was ascertained whether crime had, or had not decreased in the course of the experiment. It was with regret that he had to state the result, because the announcement was liable to erroneous inferences; but still he felt it his duty to make it, and it was this:—that in exact proportion as corporal punishment had decreased, crime had increased. He, himself, however, did not believe that the whole of this increase was to be attributed to the diminution of corporal punishment. He thought that a portion of it was to be attributed to another cause; and, in stating this as his opinion, he threw himself upon the indulgence of the House, because the proportion to be attributed to the cause he was about to mention was merely conjectural. He considered, then, that a part of the increase of crime in the army was to be attributed to the circumstance, that many offences which formerly were submitted to Regimental Courts-martial were now brought before District and General Courts-martial, and were, consequently, more cursorily examined into than if they were brought before Regimental Courts-Martial, as formerly. This, he thought, would account, in part, for the increase of crime; but it was impossible to say to what extent. He knew that it had been said, "rob the military authorities of the power to inflict corporal punishments, and that will force them to make improvements in the army which will render these punishments unnecessary." But crimes would still be committed, and when committed must be punished. That brought him to the subject of a substitution of punishments for those that are abolished. On this he might remark, that there was no part of our internal policy more important, and, at the same time, so little understood, as that of secondary punishments. There was no comprehensive treatise on the subject, and no Report of any Committee of Parliament. Very small progress had been made in forming a good system of secondary punishments, although some of the most acute men of the time had attempted it. This, on the one hand, showed the difficulty of coping with the subject; and, on the other hand, was a strong reason why the House should not be precipitate in taking measures upon it. Yet this subject, which, in civil cases, was admitted to be difficult, they were told was quite easy in military matters. The hon. and gallant Officer had proposed that delinquents should be mulcted in their pay. But the House should know, that private soldiers were mulcted as much as it was possible for offences under the Mutiny Act. In regard to this part of the question, the Government had ventured to give a little more power to Regimental Courts-martial; and, further than that, there was little more to do. Then, there was transportation. But transportation had been found a most unmanageable species of punishment, even in civil cases, as was well known to the right hon. Secretary to the Colonies; but whatever its success might be in civil cases, to the army, and especially to that portion of the army which was abroad, it was totally inapplicable. The common objection to that species of punishment applied doubly in the case of soldiers; and the common recommendation of it was totally inapplicable to a soldier. The great objection to it was, that there was no means through it to make an example of the delinquent, to prevent others from following like practices. The objection of Mr. Shipp to corporal punishment was, that it failed in reforming the delinquent. It might be true, that corporal punishment had a bad influence over the person punished; but, on the other hand, it was an example to those who witnessed it; and if it deterred others from committing like offences, it succeeded in the main purpose of punishment,—that of deterring others from committing like crimes; though it failed in the secondary purpose,—that of reforming the individual. But punishment, though the fear of it might deter some, who were surrounded by friends and by ties to a particular spot, from the commission of crime, could have no such influence on the soldier, who had no such connection and no such feelings. On the contrary, a soldier, if he found his regiment disagreeable, or from a wish for change, might, very likely wish to move to a place where he hoped, that in the chapter of accidents, a bright page might turn up for him. Was it likely that a soldier stationed on the West Coast of Africa should be horrified at the prospect of banishment to the delightful climate of New South Wales. Was there any thing very terrible to the soldier stationed at Halifax in being sent to the Bermudas? Or was it likely that a soldier smarting under the broiling sun of Middle India, would object to a trip to the cool and pleasant climate of Sydney—the very place in which his, perhaps, broken health would be recruited. Within the last two days, two cases had come within his knowledge, which happened in distant colonies, and colonies which were distant from each other; but the events happened about the same time. In both assaults had been made; but in one of them, a cruel assault was made by a soldier on his commanding officer, without even the shadow of a reason for it. The culprit was asked, what his motives were, and he said, he wished to be transported; but the crime he had committed was of such a nature, that it was necessary to put the extreme penalty of the law in force, and the man was shot. He merely mentioned this to show, that soldiers might be induced to commit crimes, in order to be banished. The hon. and gallant Member who brought forward the Motion, had suggested the substitution of solitary imprisonment. He could assure the hon. and gallant Member and the House, that that species of punishment was under the serious consideration of Government; but the question was, could it be applied? At present, the complaints with officers was, that soldiers who were put into jails, never returned improved; but, on the contrary, that they were invariably worse. But he (Mr. Grant) would ask, if there was such a thing in this country as a system of solitary confinement? For years past, experiments had been made on the subject—a number of lessons had been given by persons knowing in these matters—there was even a Penitentiary within a few hundred yards of the House; but had they yet succeeded in establishing solitary confinement as a secondary punishment even in civil cases? How, then, could it be said, that it was so easy to introduce that into the army which had been so difficult in civil cases, where the facilities were greater? How could they, then, call upon the military authorities to abolish the present system of punishment, and adopt solitary confinement, not only in England and Ireland, but in the deserts of Africa, in the wilds of America, and the plains of India. If discipline were to be kept up in the army abroad, it would be impossible to abolish corporal punishment. Besides, the military authorities had no funds at their disposal which they could appropriate to the erection of the prisons which would be necessary to put the plan in practice. The House of Commons would be guilty of a flagrant solecism, if, under pretence of substituting one species of punishment, on pretence of solitary confinement, in all the stations where the army is near, they should unadvisedly adopt the resolution proposed by the hon. and gallant Member. He fully believed, that great anxiety had been felt by the hon. and gallant Member on the subject; but he might say, that there was, however, no one who felt more anxiety, or had given more deep, painful, and anxious attention to it than the humble individual who had then the honour of addressing them. The hon. and gallant Member, however, says to the House, "Deprive the officers of this power of corporal punishment—circumscribe them in the round of punishments—take from them the rod, and they will soon find out some other way of maintaining military discipline." The advice given by the hon. and gallant Member was, in effect, to borrow an illustration from the profession to which he belonged, to break down a bridge behind an invading force, or to burn a fleet of ships which had conveyed an army to an enemy's shores.

There would, as the hon. Member asserted, be no greater difficulty behind to be overcome, and the critical situation in which they would find themselves placed, would infuse into them resolution and stoutness of heart. This might be true; but what could be done, if their advance were checked, their retreat being thus cut off? What, if there were a frightful increase of crime, and the abolition of corporal punishment were to be purchased at the expense of severer, or even capital punishment? The situation of the Government was at present that of a surgical practitioner hesitating to perform a difficult operation; the hon. Member then comes, cuts off the limb with a hatchet, and says, "Now at your peril tie up the arteries—stanch the blood—apply the proper bandages, and take every possible care to save the patient." The Government was placed in a very difficult position. They had taken the matter into their hands; they were acquainted with the difficulties that surrounded the case; and he trusted they would be allowed to proceed with what they had begun, and be spared the embarrassment of having the power of exercising this species of punishment rashly removed. To do this, would remove the terror, as well as the actual use of it. He would say one word more. Did hon. Members mean or not, that the abolition of corporal punishment should be accomplished? He had told them fairly and plainly, that the Government wished to abolish it, and he had told them of the probable increase of crime consequent on the abolition being immediate; he had stated, that this punishment was now in progress towards extinction, and he entreated the House not to embarrass Government in the conduct of this experiment. He did not pretend to say that, what was an experiment—which *ex vi termini* must be doubtful—would succeed; he would not predict that it would be expedient to extinguish this species of punishment; that it might be found so, was his most earnest hope. For its success he gave his warmest wishes, but he gave no promise; he threw out no conjecture—he held out no assurance but this—that the experiment should be fairly tried. He begged the House would trust to that experiment, and to the hands which had the conduct of it; and if the experiment should terminate according to the hopes and wishes of the majority of that House, none would be more gratified than those who had made the trial. The difficulty and anxiety sustained during the progress of the experiment would be overpaid by its eventual success.

Lord *Darlington* said, he would oppose the Motion; but begged the House would not infer from that circumstance, that he was an advocate for the infliction of corporal punishment, except for serious offences. In expressing his conviction, that it was expedient to invest the military authorities with the power of so punishing their men, he thought it proper to state, that he grounded that conviction on his own personal experience during the twelve years he had been in the army. In the recent discussion which had taken place in that House on the subject of the impressment of seamen, it had been justly remarked by a gallant Admiral (Sir Edward Codrington), that the scum only of the service were subjected to the lash. It was precisely the same with regard to corporal punishment in the army. The bad only were subjected to military torture; the good escaped that species of punishment. If solitary confinement were had recourse to as a substitute, the consequence would be most injurious to the discipline and morals of the army. The offender would come out of prison more demoralized, from his unavoidable occasional association with felons, than when he went in. If the power of inflicting corporal punishment were withdrawn from the Military Authorities, it would soon be found that crime greatly increased in the army. It was indispensably necessary, that severe punishments should be resorted to among the British troops. It was found necessary by the Civil-law, to inflict severe punishment for the offence of theft. It was still more necessary that such offence, when committed in the Army, should meet with severe punishment; particularly when one soldier stole from another. It had been said that, though it might not be advisable to dispense with corporal punishments in all instances, they might be dispensed with in some. He would answer that position by appealing to the House, what they conceived would be the effect of enforcing corporal punishment abroad, which was the thing meant, while the punishment inflicted at home was only solitary confinement. Would not the consequence be, that soldiers would have an aversion to going abroad, and that, therefore, we should not be able to obtain sufficient troops for our colonies in distant parts of the world? There existed the same grounds in the army as in the navy for a uniformity of punishment in the different places in which soldiers were stationed. He was aware, that in thus expressing his opinion in favour of corporal punishments, he differed from many of his friends for whom he had a high respect. Nevertheless, he could not refrain from conscientiously discharging what appeared to him his duty on the present occasion, and the consideration of that circumstance would afford him satisfaction.

Mr. *Buckingham* said, having been twice personally alluded to in the course of this debate, first by the hon. and gallant Officer who opened this question, and since, by the right hon. the Judge Advocate, he felt it his duty to rise, in order to explain more clearly the circumstance referred to, in connexion with the mention of his name. The hon. and gallant Member—inadvertently, no doubt—spoke of his abandonment of this question, on what the gallant Officer deemed insufficient grounds, and assigned this as his reason for taking it up. The House would probably remember, that during the last Session, and subsequent to the debate on the Motion of the hon. member for Middlesex, he (Mr. Buckingham) had a notice on the books for the abolition of military flogging. On that occasion, when he rose in his place to bring on that Motion, the right hon. the Secretary-at-War (Mr. Ellice) addressed the House, and stated, that not only was this subject under the anxious consideration of his Majesty's Government, but that an Order was actually in preparation at the War-Office, which would be speedily promulgated to the army, in which the punishment of flogging was strictly enjoined to be confined to the three great crimes of mutiny, drunkenness on duty, and theft. The right hon. Secretary then appealed to his (Mr. Buckingham's) sense of justice to wait at least until the Order should be issued, and the effect of the restrictions tried:—and, confiding, as he was not ashamed to confess he did, on the assurance of the right hon. Gentleman, that the Order alluded to, would restrict the punishment to the offences named, he expressed his willingness not to abandon, but merely to postpone the Motion until the Order appeared, and wait until the next Session before he renewed any notice on the subject. There was, however, much more delay than had been anticipated in the appearance of the Order; for its official publication did not take place until after the Session was over; and candour obliged him to say, that when it did appear, it fell far short of the expectation he had been led to form; for, after enumerating the three specific offences already named, it added the words, "and other disgraceful conduct," which opened so wide a field for the discretion of the Commanding Officer, as to enable him to punish almost any offence with flogging, by bringing it within that denomination. He felt, therefore, in common with many other hon. Members, extreme sorrow and disappointment at this result, and repented the too willing confidence into which he had been betrayed. Still, however, he would do the right hon. the Secretary-at-War the justice to express his belief, that had the matter rested with himself individually, or even with the Administration with whom he acted, the pledge held out would have been redeemed. But he feared there was a higher power which ruled at the Horse-Guards, and which all their influence was unable to control, and that to this power, rather than to the right hon. Secretary-at-War, was to be attributed the extension of the offences included within the Order alluded to, and its promulgation in that objectionable shape. On the question now before the House he might be permitted perhaps to offer a very few remarks. No one, he thought could deny, but that one of the chief characteristics of the barbarism of nations was the sanguinary nature of their punishments—and one of the surest tests of progressive civilization was, the gradual amelioration of these barbarous practices. In comparing different nations with each other, this was strikingly perceived. If we looked abroad to China, to Persia, to Turkey, we should find their punishments cruel and sanguinary in the extreme. If we regarded the codes of England and America, we should find them comparatively mild and merciful. In the one case barbarism and ferocity went hand in hand—in the other, civilization and mildness gave lustre to each other. To what principle could such a contrast be traced, but to this: that in proportion as men are steeped in the debasement of ignorance, so is it necessary to coerce them by a force and suffering, and, as brutes, to overawe them by brutal punishment; and that in proportion as men advance in the scale of civilized beings, so is it found advantageous to substitute milder for more cruel punishments, and overawe the mind by the stimuli of hope and fear, rather than lacerate the body by stripes and pain. If we passed from a comparison of nations with each other, and regarded the same nation under different periods of its own history, we should come to the same result. If we looked, for instance, at England, in times past, and compared her civil or military code with times present, what should we perceive, but in the former case, the most cruel and sanguinary tortures, in the latter, a gradual abatement of these as civilization advanced, and the substitution of more humane and more rational modes of correction or reformation. It was true that these changes had been slower than could have been wished; and that too many sanguinary punishments still disgraced our penal code. But he would ask, whether it had not been the constant aim of some of the noblest and most benevolent of our fellow-countrymen to remove even those that remained. Why then should not the British soldier be included among the objects of our Legislative protection? We had abolished flogging of the person, as a punishment for civil offences: we had taken measures, Session after Session, to mitigate the flogging of negro slaves, and had now placed it under considerable restrictions, with a view to its speedy and total abolition; flogging had been almost entirely discontinued in the native army of India, and we had carried our philanthropy so far as to pass an Act of Parliament for preventing Cruelty to Animals, prohibiting or punishing by fines and penalties the infliction of stripes on the bodies of the brute creation; and yet, with strange inconsistency, we objected to the abolition of this inhuman torture on the backs of our fellow-countrymen and brave defenders. Did the House suppose that the soldiers of the British army never thought of these things, never talked of these things, and compared opinions on the great care bestowed on others, and the neglect shown towards themselves? If so, the House deceived itself; and would do well before it acted on such an impression to make it a subject of inquiry. But the practice, though admitted to be cruel, was defended on the ground of its producing a salutary example on those who witnessed the punishment, and deterring them from insubordination or other crime. Now, in answer to this, it might be asserted, as matter of notoriety almost beyond dispute, that the example of sanguinary punishments had generally the very contrary effect. It excited sympathy for the sufferer, and awakened a feeling of indignation in the witnesses of the pangs under which he groaned: the consequence was, that both in the Navy and in the Army, wherever the practice of flogging was most frequently resorted to, there the discipline was the most disorderly and disorganized; and in those ships and regiments in which the lash was least used, there the subordination and happiness of all parties were the most complete. He hoped the House would remember well the expression that fell from the right hon. Gentleman, the Judge Advocate, who asserted, that in consequence of the large minority on the last division on this question, the Ministry felt themselves bound (as indeed they always did) to respect the powerful expression of opinion, even by minorities, and the Order for restricting and mitigating their power of corporal punishment was the result. He intreated hon. Members, therefore, who desired to see this cruel practice for the present still further mitigated, and ultimately abolished, to give the Motion of the hon. and gallant Officer their support, in order that by another large minority, another restrictive Order might be obtained, and the punishment still further diminished. There was another reason, however, why the House should speak out on this occasion. There were good grounds for believing, that if it depended on the right hon. the Secretary-at-War, or his Majesty's Ministers, the question would be carried even now. But the military authorities at the Horse-Guards were known to be averse to the measure, and to have power and influence enough to prevent it. It was, then, a question, whether the voice of the people, as heard in that House, its constitutional organ, through the speeches and votes of its Members, or the voice of the Commander-in-Chief of the Army should prevail. Many hon. Members had given to their constituents, at the time of their election, a pledge to promote the abolition of naval and military flogging. Let them now prove the sincerity of those pledges, by acting on them in support of the Motion; and let them, by this means, also assist to rescue the Administration from that secret influence by which they were at present overruled, and make the dignity and power of the House of Commons felt and acknowledged, as the constitutional organ through which all abuses, whether civil or military, might be most effectually redressed.

Mr. *Lennard* protested altogether against the argument urged by the right hon. Gentleman the Judge-Advocate, to the effect that, because a fair experiment was in course of trial, the Motion before the House was inadmissible. That experiment could only properly be tried by first taking away the power of inflicting corporal punishment, and then seeing whether it could be dispensed with. As far as the soldier was concerned, it made little difference to him, whether the punishment was inflicted in a greater or a less degree; what the soldier desired was, to get rid altogether of that which he felt to be a degradation. He altogether dissented from the opinion, that flogging was a punishment which, as the British army was at present constituted, could not be dispensed with; and he was sure to find very many most competent authorities coinciding with him in that opinion. He implored the House to accede to the Motion, and at once relieve the British soldier from that unenviable uncertainty as to the future enforcement of corporal punishment, to which the right hon. Gentleman, the Judge Advocate, seemed disposed to abandon him.

Mr. *O'Connell* would have given a silent vote, but for the observation of the hon. Member who had just resumed his seat. That hon. Member spoke of the question as being left in a state of uncertainty by his Majesty's Government; but he was sorry to say, it was not even uncertain. Not the least hope was held out that the brutal and disgraceful practice of military flogging would be abolished. There would, however, he trusted, be a division. He should, at all events, have the satisfaction of recording his vote in favour of the Motion. To no set of men would he intrust the power of flogging their fellow-beings; but least of all, would he entrust that power to the officers of the British army. The idea that a set of mere striplings should have the power of torturing their fellow-subjects, was perfectly abhorrent to his feelings as a Briton, and he would ever oppose it. The strong desire to retain the power of flogging, argued badly for the character of a British officer. The Motion was resisted by Government on the ground that they were going through an experiment for the purpose of ascertaining the practicability of abandoning the power; but he put it to the House to say, whether any experiment was necessary to ascertain whether they were likely to have a well-disciplined army without flogging? What was the result of the experiment in other countries? In France or Belgium there was no such thing as military flogging; and could it be said the French army was undisciplined? What was it gained England the battle of Waterloo? Some persons were silly enough to suppose it was the talents of the British leader; but that was not only disputed, but much doubted. But it was never disputed, it could not be disputed, that the battle was gained from the French by the superior bravery and firmness of the British army; and was it not, he asked, a disgrace to the British nation, that that army, which had thus proved itself the superior, was exposed to a degrading punishment unknown to their vanquished opponents? One of the grounds for the abolition of negro slavery was the practice of flogging; and was it to be said, that a British soldier was to be exposed to a punishment which the House had decided was too degrading for a negro slave? The time was come for making the experiment as to whether corporal punishment was necessary for the efficiency of the army; and he thought the Government would justly meet with public reprehension for the course they had taken on the subject.

Sir *Harry Verney* denied, that British officers desired to retain the power of flogging, except as a necessary means of enforcing the discipline of the army. He appealed to every military man present whether a military execution was not regarded by British officers as by many degrees the most painful part of their duty? On such occasions, the general appearance of the officers would induce a common spectator, ignorant of the real cause, to conceive that some great misfortune had befallen them. Until distinct military prisons were secured, the experiment, as to whether military flogging could with safety be abolished, would not answer a fair trial; and, if the Motion had no other effect than to direct the attention of the Government to that fact, he should not regret its having been made.

Sir John Byng felt it necessary to intrude himself upon the attention of the House, in consequence of an expression which had fallen from the hon. and learned Member for Dublin, relative to the officers of the British army. That hon. and learned Member, in his ignorance of every quality constituting the character of a British officer, had the charity to say, that they were the last men to whom he would entrust the power of flogging. He would beg to tell the House, and he did so with all the sincerity of a soldier, that the officers of the British army were the last to whom he would entrust such a power. He knew the character of a British officer well, and if there was any point on which he was inclined to find fault with it, it was a proneness to mercy where mercy was ill-placed. With regard to the Motion he implored the House not to consent to it. In a short time the Mutiny Bill would expire; and if the Motion were carried, the army would, in point of fact, be left without control. If the abolition of flogging was to take place, he strongly and earnestly recommended the House to let it come from the proper authorities. The less the question was agitated in that House the better it would be for the discipline of the British army. Since the subject was first agitated it was undoubtedly true, that corporal punishment had not been so often put into requisition as before, but he regretted to say, it was not because crime had decreased. On the contrary, crime had increased; and his conviction was, that, if the power of inflicting corporal punishment was altogether removed, until an efficient substitute was provided, that increase would be carried to a truly alarming extent. He had himself spoken to many old soldiers on this subject, and they one and all concurred in declaring that, if the power of flogging was taken away, no good could be got of the soldiers.

Mr. Sheil rose to ask one question. In July, 1832, an order was made by the House of Commons for a Return of the number of cases of corporal punishment from 1825 to 1832. He wished to know where was the Return to that order? Sir John Hobhouse, then Secretary-at-War, acceded to the Motion, and said he would give the Returns from 1825 to 1832. Why had they not been made? [Mr. Ellice: They had been given from 1825.] He thought it extraordinary that the Returns should stop at 1829, and that the House was furnished with no specific information, from which they would have been enabled to see what effect had followed from the mitigation of punishment. The House had been told, that it would be prejudicial to the discipline of the army if the question were agitated within that House. Had the "agitation" of the question been productive of no advantage. It was at one time customary to sentence a soldier to receive 1,000 lashes, and after the infliction of some 300 or 400, to throw him upon his couch, until sufficiently recovered to endure the remainder. Had not this disgraceful practice of thus inflicting punishment by instalments been abolished by the "agitation" of the question within that House. The right hon. Gentleman opposite had, in illustration of his argument, supposed the case of a practitioner called in to amputate the limb of a patient. The right hon. Gentleman asked the House what would they think of the professional skill of such a man, if he were to chop off the limb with a hatchet, having made no previous arrangement for taking up the arteries or staunching the blood? Now he (Mr. Sheil) would ask the House, what value they would attach to the professional character of a man who, having deprecated a particular mode of treatment, had, when called in himself, adopted the very practice he had censured in another?

Mr. Ellice, in answer to the inquiry of the hon. and learned Member, could only say that the Returns moved for had not been ordered during his tenure of office. As he had risen to answer the question of the hon. and learned Gentleman, he would observe, that with respect to what had taken place with regard to the hon. member for Sheffield and himself last Session, he had given a correct statement. But he had stated to that hon. and learned Gentleman, that measures were in contemplation which would, as far as possible, meet the wishes of the minority on that occasion. He had distinctly reserved to himself the power of acting upon the sense of the feeling of the House at that time—

ing also to himself the terms in which the order alluded to should be made. The hon. and learned Gentleman, however, had exhausted that subject. His hon. friend stated, that this experiment, as he called it, in the terms of his right hon. friend, was the most objectionable part submitted by his right hon. friend to the House. Now, the experiment of last year was to endeavour to limit as much as possible the infliction of corporal punishment; and he would offer to lay a Return upon the Table of the House, to prove, at all events, that there had been a very great diminution in the number of punishments inflicted. His hon. friend had stated, that soldiers were now punished for those petty thefts which they committed occasionally, with greater severity than civil persons; that the latter class who were punished for such offences, were punished in a much more lenient manner before the Magistracy. Now, he could not say where his hon. friend derived his information from; but he was quite willing to furnish him with all the information connected with every Court-martial, and every punishment inflicted during the last year; and, if he could prove any case in which the punishment awarded had not been accompanied with aggravated circumstances, he would then admit, but not till then, that the order of last year had not been complied with. Let it be remembered, that the proceedings of every Court-martial were strictly examined into by the Judge-Advocate-General; and he had sufficient evidence laid before him, to show that there existed no wish on the part of officers to act with severity. He could assure his hon. friend, that this punishment of flogging was not resorted to for trivial offences. He would not, however, pursue a subject which had already been exhausted by his right hon. friend, but he would wish to impress upon him and the House in general, the consideration, that an immediate change of system could not be carried into effect, even if they acceded to the wishes of the advocates of the abolition of the practice of flogging. And time must be given to the consideration of how far the peace and security of the civil citizen were concerned in this question. If his hon. friend were in the situation which he had the honour to hold, he would find that there had been a considerable increase in one species of offence—namely, that of assaults upon civil subjects by the military; which offence was not visited with the punishment of flogging, and when the number of cases was so great, was it to be expected that they should, perhaps, fill the gaols without much advantage to the public peace, and certainly render the greatest injury to the character of the soldier? He could assure the House that this subject was under the consideration of his Majesty's Government; but, being aware of the increase of crime in the army, they were sensible that it was necessary to substitute some secondary sort of punishment. The conviction of this necessity had been forced upon his Majesty's Government during the last year. The order which had been alluded to, had been enforced some nine months, and the Government were now constructing plans of confinement in different stations, and separate prisons for military offenders; and other means of punishment were under consideration. He entreated the House to reflect upon the difficulties which must attend any immediate change of system in the military law, and how difficult it was for those who had to administer it, to meet the Motion which had been that night proposed. His hon. friend, he trusted, would give him credit for this—that while he held it to be necessary to continue the power now vested in Courts-martial, he was still equally anxious to restrict this practice of flogging, especially if the Government were allowed to proceed in the course hitherto proposed, of endeavouring, as far as it might be practicable, consistently with the discipline of the army and the security of the civil subject, to diminish the number of inflictions of corporal punishments. Under these circumstances, the hon. Gentleman would arrive sooner at the objects he had in view by trusting to the Government, than by moving the resolution proposed, which, if carried into effect, must be destructive to the discipline of the army and the public peace. It was impossible, indeed, that the punishment of flogging could at the present moment be abolished in the colonies, and it never could be endured that the soldier who was undergoing hard service in foreign parts, should be placed in a worse situation than his comrade at home. Ministers, he could assure the House, required not the hint of a large minority to instruct them in their duty. They would persevere in the course they had commenced, whether the question were agitated in that House or not.

Colonel *Evans* thought, it must be allowed that the speech of the right hon. Gentleman was satisfactory in many particulars. With respect to his observations, however, upon secondary punishments, there were one or two in which he did not coincide. The right hon. Gentleman seemed to condemn the appeal to any legislation upon the subject, by the Parliament; but the feeling of the public was, that the system of punishment by flogging was monstrous, and that feeling was not to be allayed by the prospect of its diminution merely. The public feeling had been excited for a long time with reference to this question, and there was no probability of its ceasing; and it must have an effect upon the minds of the soldiers generally. The noble Lord had described in strong terms, the class of men who enlisted into the army; but, as long as the punishment of flogging existed, so long would the class of persons who enlisted into the army be bad.

Lord *Dudley Stuart*, even at that late hour of the night was anxious to explain the motive upon which he should found his vote. When he had come down to the House he had hoped to have been able to support the Motion of the gallant officer, for no man in the world could have a greater abhorrence of the practice of flogging than he had. He could not join the gallant General in deprecating the discussion of this question, particularly when he looked to the small majorities which had been obtained. On the contrary, he thought that this subject was one which ought to be unceasingly agitated; and, though it was not his intention to support the Motion of the gallant Officer, yet he felt obliged to him for calling the attention of his Majesty's Government and of the country to the matter, because he was quite sure that the effect of these discussions must be to improve the situation of the army, and to prevent a recurrence of those distressing scenes which had occurred in respect to flogging in future. The right hon. Gentleman (Mr. Ellice) might say what he pleased about the Government not being compelled to act upon the fact of large minorities in that House, but there could be no doubt that the minority of last Session had had its effect, as large minorities at all times had upon the Government. The reason why he could not vote for the Motion of the gallant Officer was, the want of another substitute in the way of punishment.

Sir *Edward Codrington* wished to say a few words relative to a statement which had been made, that in the navy it had been found that the less punishment there was, the better discipline prevailed. This was an error. The good discipline of the ship depended, not upon the quantity of punishment, but upon the justness of the punishments, however severe they might be. He would state as an illustration the case of a vessel in which in a short space of time the different courses were adopted. At first there was no pretence at discipline in this ship, and consequently nobody did his duty, if even he knew it. After this a lieutenant was promoted to the command, who determined upon introducing the severest discipline amongst the crew; punishments were rigidly inflicted when necessary, but it soon turned out that a necessity very seldom occurred for punishment. When the ship was thus reduced to good order, another officer was promoted to the command, who set out by determining to do nothing as it had been done by the previous captain. The consequence was, that the ship no longer was like a man-of-war. He was on board of this ship when twelve men were obliged to be punished in one day to keep down a mutiny. Such was the case in the navy, and he dared say it was the same in the army, that the best soldiers were to be found where punishments were inflicted, however severe, provided they were just.

Sir *George Grey* hoped, he should not be accused of inconsistency in giving a vote this evening, at variance with the vote he had given last year upon this question. He had voted for the Motion of last Session because he had looked forward to its leading to a good practical result. He should vote against the Motion now before the House, because he did not consider it practicable forthwith to abolish all corporal punishments in the army. He was sorry that a more cautious and limited Resolution had not been brought forward. He was prepared to support any proposal to limit the extent of punishments in the army, and the nature of the offences to which they should be attached. There were crimes of a disgraceful nature which warranted a disgraceful sort of punishment. But there was no pretence to justify the infliction of absolute torture. The words of the Mutiny Act legalized "the infliction of punishments to any extent short of loss of limb." Yet there were some punishments awarded by Courts-martial which, if carried into effect, would be attended by loss of life. In these cases a surgeon, whose business it should be to heal and assuage the sufferings of mankind, was appointed to stand by, not to assuage the sufferings of the prisoner, but to see the utmost limit to which those sufferings could be endured without loss of life.

Mr. *Mark Philips* said, he had come down to the House prepared to vote for the Resolution of the hon. and gallant Member; but the arguments which he had heard in support of the conduct of Government, in this affair, were so just and persuasive as to warrant him in, at least, suspending that vote. He believed Government were anxious to do their best; and believing this he should suspend his vote, to give them an opportunity, before another year and another renewal of the Mutiny Act came round, to complete the arrangements they doubtless had under their consideration.

Mr. *Hawes* also stated, that he had been induced to change his mind since he entered the House, and should suspend the vote he had intended to give against Ministers upon the present occasion.

Captain *Curteis* was also about to give a different vote to the one he had given last year. He should now vote for the Motion of the hon. and gallant member for Barnstaple, it being his firm conviction that unless some alteration was effected in the present system of military punishment, the army could not be maintained in a state of subordination.

Mr. *Hume* would candidly say, that if his Majesty's Government had the power to abolish the practice of flogging, he would leave the matter in their hands. It was because they had not the power that flogging was not done away with, and their intentions were not honestly carried into effect. He would say, that no such order as that which had been adverted to had been carried into effect; and why was this? Was it not because the Commander-in-Chief ruled the whole country, and did what he pleased—and because his Majesty's Government had not the power to act, as, he believed, they wished to do? The House would certainly not do their duty unless they compelled the military authorities to abolish this system of punishment.

Lord *William Lennox*, at that late hour of the evening would confine himself to one or two observations, but he could not listen to a sentiment expressed by the hon. member for Rye, who had preceded him—that if corporal punishment was not abolished, the discipline of the army could not be carried on. He thought such an expression from a military man would have a direct tendency to promote mutiny. He was no advocate for the lash, but he could not support so visionary a plan as that brought forward to abolish corporal punishment all over the globe; it was impracticable; in countries where spirits were cheap, the whole army would be in a state of insubordination if the punishment were withdrawn. Solitary confinement was inefficacious; besides, a man's pay accumulated, and the moment he was released, he again got into the same state of inebriety. Corporal punishment was degrading, and yet many there were who had turned out good soldiers after receiving it. He knew officers who had risen from the ranks who had been punished. He would vote for a limited flogging, but not to its entire abolition, especially abroad.

The House divided on the Resolution—Ayes 94; Noes 227: Majority 133.

The Report was received.

List of the Ayes.

ENGLAND.
Aglionby, H. A.
Baillie, J. E.
Bainbridge, E.
Baines, E.
Beauclerk, Major
Beaumont, T. W.
Bish, T.
Blake, Sir F.
Boss, Captain
Briscoe, J. I.
Brocklehurst, J.
Buckingham, J. S.
Bulwer, H. L.
Buxton, F.
Chichester, J. P. B.
Clay, W.
Curteis, H. B.
Curteis, Captain
Dashwood, G. H.
Dawson, E.
Divett, E.
Evans, Colonel
Ewart, W.
Faithfull, G.
Fancourt, Major
Fielden, J.
Fryer, R.
Gaskell, D.
Goring, H. D.
Grote, G.
Guest, J. J.
Hall, B.
Hoskins, K.
Hughes, H.
Hume, J.
Hutt, W.
Lennard, Sir T.
Lennard, T. B.
Lister, E. C.
Lushington, Dr.
Marjoribanks, S.
Mildmay, P.
Parrott, J.
Pease, J.
Plumptre, J. P.
Potter, R.
Poulter, J. S.
Rippon, C.
Robinson, G. R.
Roebuck, J. A.
Romilly, E.
Romilly, J.
Rotch, B.
Simeon, Sir R.
Strutt, E.

Talmash, A. G.
Tennyson, Rt. Hon. C.
Thicknesse, R.
Thompson, Alderman
Todd, J. R.
Tooke, W.
Turner, W.
Vincent, Sir F.
Walter, J.
Warburton, H.
Warre, J. A.
Wason, R.
Whalley, Sir S.
Wigney, I. N.

SCOTLAND.

Ewing, J.
Gillon, W. D.
Johnston, A.
Oswald, J.
Oswald, R. A.
Parnell, Sir H.
Sinclair, G.
Stuart, R.
Wallace, R.

IRELAND.

Bellew, P.
Blake, J.
Jacob, E.
O'Connell, D.
O'Connell, M.
O'Connell, M.
O'Connell, J.
O'Dwyer, A. C.
O'Reilly, W.
Roche, W.
Ruthven, E. S.
Ruthven, E.
Sheil, R. L.
Sullivan, R.
Tennent, J. E.
Vigors, N.

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HOUSE OF LORDS,

Monday, March 17, 1834.

MINUTES.] Bill. Read a third time:—North-American Postage.

Petitions presented. By Lords HOWE, BEXLEY, and WYNFORD, from several Places,—for Protection to the Established Church.—By the same NOBLE LORDS, by Lord GREY, and the Bishop of BATH and WELLS, from several Places,—for the Better Observance of the Lord's Day.—By the Duke of NORFOLK, from the Dissenters of two Places, for Relief.—By the Earl of MORLEY, from the Eastern Division of the County of Cornwall, against Tithes.—By Earl GREY, from the Hand-loom Weavers of Glasgow, &c., for a Board of Trade, and for Relief.—By the Earl of ROSEBERY, from Irvine, &c., against the present System of Church Patronage in Scotland.—By the Duke of RICHMOND, from Frensham, for Renewing the Labour-Rate Act.—By Earls CAWDOR, GREY, and DURHAM, and by Lord DACRE, from a Number of Places, for Relief to the Dissenters.

APPEALS IN THE HOUSE OF PEERS.] Lord *Ellenborough*, in rising to move the adjournment of the House, would take the opportunity of asking the noble and learned Lord on the woolsack for some explanation with respect to the very unusual state of the judicial business which was waiting for their Lordships' decision. He believed, that it had been the almost invariable custom to proceed with appeals as soon as Parliament had assembled; forty days, however, had now elapsed, and nothing had, in that respect, been done. The number of appeals at present amounted to 140, a larger arrear than had occurred in any year since 1830. Under these circumstances, he hoped that some satisfactory explanation would be given of this very unusual and very uncommon delay in the judicial business, which was, in his opinion, as improper as it was unusual.

The *Lord Chancellor* said, he was exceedingly obliged to the noble Baron for giving him an opportunity of offering to their Lordships an explanation on the point to which the noble Baron had referred. The noble Baron had stated, that no appeals had been heard in the present Session, and that the usual course of that House had been not to let so late a period pass by without attending to that branch of business. Perhaps the noble Baron would pardon him, when he said, that this circumstance did not arise from any want of a disposition on his part, to apply himself to the performance of that particular duty; and, he believed that, after he had explained, the noble Baron would himself admit, that he had not been idle during those forty days to which the noble Baron had referred. He believed, that such would prove to be the fact, if the noble Baron inquired into the subject, provided he made his inquiry in a quarter where any knowledge whatever on this point was to be found, and where those who possessed that knowledge were willing to impart it plainly and fairly. Such, he was certain, would be the result, if application were made in any office where such knowledge existed, and where also a disposition was entertained to tell the noble Baron the truth. He was here supposing, that the parties applied to had both the will and the power to do that which was just and proper, and if they had, then the noble Lord would find, from their statement, that during the whole of those forty days, excepting Sundays, he had been employed, he would boldly venture to say, for a greater number of hours than any one of his predecessors, during a similar period, in the administration of justice, be that predecessor who he might. On that point he challenged comparison, and he demanded inquiry. During those forty days he persisted in getting through most important business in the Court of Chancery, and it was a melancholy, an undeniable truth, that he could not be in two places at once. He had sat in the Court of Chancery, during those forty days, seven, and sometimes (not unfrequently either) eight, hours a-day. He never had sat during that time for so little a space as six hours, except upon two days, when he attended upon his Majesty, and one of those days was, when the Recorder's Report was presented. He never threw away time. He never absented himself from his court, except when it was absolutely necessary. Even on her Majesty's birthday he did not make an exception. On that occasion he might, following the example of some of his predecessors, who did not open the court at all on that day, have suspended the performance of his duties. He did no such thing, but sat in the Court of Chancery on that day from ten till two o'clock. With that exception, he had, on every one of those forty days (Sundays excluded), sat never less than six hours, and he had sat sometimes eight hours, and he was never in court one minute later than ten o'clock. On the score, therefore, of a proper and industrious attention to his duties, his conscience entirely acquitted him. He would not trouble their Lordships by recapitulating what he afterwards had to do at night; but, if the noble Baron would move (and he would gladly second the Motion) for a return of the number of cases which he had disposed of in the time mentioned, and for an account of the number of cases in arrear, and now standing over for judgment, then it would be made apparent that his time had not been idly or unprofitably spent. He believed, if such a return were produced, it would be found, that with one exception, all the cases now standing for judgment were those which had been heard during the last week. If the noble Baron would extend his inquiry over the whole period of his holding the seals, and ask for the number of cases which he had tried, and the number of motions which he had despatched in that time, he should feel greatly obliged to him; for he had heard, with much astonishment, that it had been said, that, since he was in office, he had only decided thirty-two cases, while the Vice-Chancellor had got through 900, and the Master of the Rolls had adjudicated in he knew not how many instances. But those who made such charges ought, in the first instance, to apply to persons who knew something of the subject, and who, moreover, were willing to tell, without exaggeration, what they knew. Those who put forward such statements derived their information either from ignorant persons, or from those who were wilfully practising on their credulity. Much was said about the small number of original cases decided in the Court of Chancery; but those who indulged in such observations forgot the number of appeals decided in that Court. Since the establishment of the Vice-Chancellor's Court, in 1813, the Court of Chancery had become, in a great measure, a Court of Appeal from other jurisdictions. He was astonished, considering all the circumstances, when it was stated, that he had decided thirty-two cases. If he had been asked the question, he should have been inclined to think that he had not decided half-a-dozen of cases. For there was not a lad who had been six months in a Chancery barrister's office who did not know that the Court of Chancery had become, a Court of Appeals, of re-hearings, and of motions. From the time that Lord Eldon brought in his Bill, he repeated, the Court of Chancery had become a Court of Appeal, of re-hearings, and of motions, and not of original causes. But was the deciding upon appeals nothing? Did their Lordships do any thing else but decide appeals; and was it not just as rational to reproach their Lordships as to reproach him with not hearing original causes? But their Lordships, he must remark too, were enabled, by receiving judicial assistance from various quarters, to go through a considerable number of appeals; but the Court of Chancery had no such resource; and the business of Chancery stood stock still immediately the head of the Court left it, either to hear appeals in that House, or to attend to any other business. It was therefore the bounden duty of whoever held the Great Seal to take care, in the first instance, that the business of the Court of Chancery was not suffered to stand still,—which, after all, was the great point. If he wanted any authority in support of that proposition, he thought the most unquestionable authority would be the advice solemnly tendered in that place by the noble Earl who had so long presided in the Court of Chancery. That noble Earl had emphatically said to his (Lord Brougham's) predecessor, that so long as he was Chancellor, he should, above all things, never forget that the place, more than any other, in which he should be found, was the Court of Chancery. With respect to his duties in that House, he must say, that other noble Lords had received assistance which had been denied to him. He had the help of a noble and learned Lord (Lord Wynford) which was the more valuable, because it was, on all occasions, tendered to him with the greatest possible kindness and good-will. The assistance of that noble and learned Lord was indeed invaluable to any individual who was called upon to pronounce judicial decisions in that House. But, with that exception, he certainly had not received the same assistance of which his predecessors had availed themselves. He recollected when, for nearly half-a-year, the late Chief Baron (Baron Alexander) had sat in that House for the then Chancellor, because his presence was not required in the Court of Exchequer. That, however, no longer was the case; for his noble and learned friend, the present Chief Baron, had stated, that the business of the Court of Exchequer had so greatly increased as to equal that of the Court of King's Bench. That was the fact; and the consequence was, that the business of the Court demanded the undivided attention of the noble and learned Lord. It was all very well to receive assistance from the Court of Exchequer when the Judges of that Court only sat down to get up again, like a covey of partridges in the field, as was the saying in Westminster Hall; but the case was now altered; the business of that Court had been very much extended; and the consequence was, that he could derive no assistance from that source. Again, he remembered that the Master of the Rolls formerly sat in that House for a great part of the Session as Deputy Speaker, and gave his utmost attention to their Lordships' judicial proceedings. That assistance he was deprived of, because the Master of the Rolls no longer confined himself to evening sittings. For the despatch of business in his own Court, that learned individual now sat in the morning, so that he could receive no assistance from him. During one Session, he recollected that Lord Redesdale and Lord Gifford had assisted in deciding appeals in that House; and certainly a great mass of judicial business had been gone through in that Session. At that time the Lord Chancellor was enabled to avail himself of great and powerful assistance, which was not accessible to him, and he had stated very plainly how and why. But, let it not be supposed that, though he was more unfavourably situated than his predecessors, he would ever relax in those attempts which he had made, and which he would still endeavour to make, for the purpose of keeping down the judicial business in that House. He would, with their Lordships' assistance, continue to persevere; and, perhaps, he might be permitted to say, that, notwithstanding the disadvantages that were opposed to him, he had, since he took the Great Seal, gone through a very large mass of judicial business in that House. Not certainly in any one year so great a portion of business as had been gone through in the year to which he had already alluded, when Lord Gifford sat as deputy to Lord Eldon; but still, leaving that great year out of the calculation, he would fearlessly state, that in the first year in which he had occupied the woolsack, he had transacted very nearly as much business. There might not have been heard quite the same number of cases, but still, he believed, there was very little difference. He mentioned this as an extraordinary circumstance, because, in the year to which he had alluded, Lord Gifford sat day after day. He was at that time Master of the Rolls; and, as he only sat in the evening, he had nothing else to do in the forepart of the day. In the first year of his holding office, he had heard, in the Court of Chancery, double the number of causes that had been heard in any one preceding year. On that point he challenged investigation. Let the papers be produced, and it would be found, that, of appeals and rehearings, he had disposed of upwards of 100 in that year. In the same year he had decided in that House, without any assistance, except upon two days, when his noble and learned friend sat in his place, a greater portion of business than was ever heard in their Lordships' House, with the exception of that particular year when Lord Gifford gave himself up almost exclusively to the appeals, which were argued before their Lordships. He must say, therefore, that there was no man against whom less cause of complaint existed, with respect to the attentive and sedulous discharge of his duties, than the individual who then addressed their Lordships. With respect to this lapse of forty days, to which the noble Baron had alluded, he must observe, that it would have been attended with the greatest possible inconvenience to the Court of Chancery, not only to those who practised there, but to the suitors before their Lordships' House, if their Lordships had at once gone on hearing causes, instead of postponing those hearings for a short time. He thought he could, in five minutes, prove to any noble Lord, that in proceeding as he had done, he had taken the wiser and the better course. There were two branches of judicial business—the one consisted of Scotch appeals, which were generally very intricate; the other consisted of English and Irish appeals. With respect to Scotch appeals, the case stood exactly thus:—He had heard so many Scotch appeals in the last Session, in the Session before, and in the first Session that he held the Great Seal, as rendered it necessary to stop at the end of the Session of 1833. They were getting on too fast with the Appeal-list, and the parties, in many instances, were not ready. Such was the fact. He offered to sit for three or four days, to proceed with these appeals; but the parties were not ready. They were not aware that such great progress had been made; they were, in truth, overtaken, and the consequence was, that, when called on, the parties were not prepared to proceed. Now, it was a question with many judges, whether it was expedient to press so closely upon the Appeal-list; and he would state on what foundation that doubt rested. When a party had lost his cause in court, he frequently worked himself up into the belief, that that cause was nevertheless a good one; his advocate, of course, would contend that the argument which he had adduced was irresistible, and, in that frame of mind, the first thing that struck the defeated party was to lodge an appeal. The advocate said, "My argument was perfectly right; therefore, I advise you to appeal at once." The client responded, "I am sure what you assert is the fact; and my idea is, that we ought to appeal." Whereon an appeal was rashly proceeded with, and considerable expense was incurred. But it did not follow, that after six or eight months were given to the client to reflect—it did not follow that, after a considerable time was allowed to the counsel to reconsider his opinion, and to consult men learned in the profession on the subject—it did not follow, under these circumstances, that the party would persist in going forward; and, indeed, nothing was more common than for a certain number of appeals to be dropped after a given time. But, if the Court of Appeal pressed forward before the parties had time to cool and come to their senses on the subject, those appeals, that otherwise might have come to nothing, would be forced on, to the great delay of other business, to the great inconvenience of the Court, and to the great expense of parties, who, if you had not gone on so quick, would not have proceeded further than to lodge an appeal. Therefore, he had purposely abstained from proceeding with the Scotch appeals. Instead of going out of town for a few days, as he had done in the last recess, if he had remained, he could have easily disposed of all those Scotch appeals which he had purposely abstained from taking, and left, with respect to them, no arrear at all; but, for the reason which he had stated, he deemed it advisable not to press them forward. On the 4th of February, the Parliament met, which was not an immaterial circumstance with respect to the hearing of English and Irish appeals. That was out of term, which concluded on the 25th of January. Out of term, the Chancellor and Vice-Chancellor sat in Lincoln's-inn, and the Master of the Rolls in Chancery-lane. These courts absorbed all the Chancery practitioners, to whom the suitors in English and Irish appeals necessarily resorted for assistance. It was physically impossible, with respect, at least, to the leaders in the causes, that their assistance could be obtained in appeal cases at Westminster, when their duties detained them in distant courts. What, then, was the necessary result of the course which had been adopted? Why, it was manifest, that it was a most convenient arrangement, not only for the Bar, but for the suitors, that the latter should have the benefit of the talents and experience of those professional men, whose services they would otherwise be deprived of. It was evidently an advantage that he should go on sitting at Lincoln's-inn without losing one single minute of those forty and odd days, and thus keeping down the Chancery arrear, if such it could be called, for he believed he could dispose of all the causes in a week, and it should be observed, that those which constituted the apparent arrear were the growth of only the last fortnight. He contended, that with respect to the Scotch appeals he had acted wisely in stopping, and not proceeding in too rapid a course. With respect to the English and Irish appeals, he thought it would be much better for the suitors, that some little delay should take place, rather than they should be deprived of the assistance of able men. On the 15th of April next, all the branches of Chancery would be open, and transacting business under the same roof, that of

Westminster-hall, and the suitors could then avail themselves of the talents of those eminent professional men, of which they would otherwise be deprived. Was not this, he would ask, a fair way of looking at the subject? Was not this the course which the convenience of the suitor made it paramount for him to adopt? He was very sure, that more would ultimately be done by applying themselves, for a certain number of consecutive days, to the hearing of appeals, than if they spread their sittings over several weeks. Suppose they sat one day or two in the course of a week to hear appeals, and continued those sittings during six weeks, would any one believe, that they would get through the same extent of business, as if they took three days in each week in succession, or as if they sat for the entire number of days without intermission? If they sat *de die in diem* for those six days, they would, he was convinced, despatch, he would not say six times as much business, but he was perfectly sure, that they would get through at least twice as much, and at a far less expense than if their six days' sittings were scattered over six weeks. If he had been aware, that this subject would have been brought forward, he would have collected one or two other facts which would have placed the subject in a still clearer point of view. He should now say one word upon another subject. There were said to be many defects in the system of appeals in that House. One defect of the system especially was, that while the whole of their Lordships were supposed to sit to hear appeals in that House, they did in fact generally devolvé the duty on those of their number who happened to be professional men. The consequence of this was, that he, who was the Judge in the Court of Chancery, sat in this House afterwards, and heard the appeal from his own judgment. This was highly inconvenient—it was keeping the word of promise to the ear, but breaking it to the judgment; for the appeal was in reality a re-hearing before the same Judge who had decided in the Court below. To avoid this as much as possible, the noble and learned Earl, who had held the Great Seal for so many years had constantly had recourse to the assistance of a noble Lord who had been Lord Chancellor of Ireland (Lord Redesdale) a Judge scarcely inferior to himself in the extent of his learning. In the same manner, he now desired to have the assistance of an Equity Judge. He had had that assistance from his noble and learned friend, (Lord Plunkett) while that noble and learned Lord was in England during the preceding Session; and accordingly, when his noble and learned friend had been here, he had betaken himself to hear English and Irish appeals. It so happened, however, that this year he could not possibly have the assistance of that noble and learned Lord. The instant he had it; and if he had it not soon, he should nor longer delay, but should be obliged to undergo the task of sitting; but he believed, that their Lordships would rather think that he had good reason to wish to postpone the hearing of English and Irish appeals in Equity cases, till he could have the assistance of his noble and learned friend. He was aware, that he had the power to hear them, and to say, as some of his predecessors had done, "I see no reason to change the opinion I entertained in the Court of Chancery; and I affirm the decree with costs." He knew he had such a power; but there were two objections to it: the one was, that justice should be done in such a way, that the suitor ought to be satisfied with it; and the other was, that justice should be done in such wise that the suitor may be satisfied, if it be possible. Under these circumstances he had given notice, that he should not adjourn from the Court of Chancery. He had had a proper and most respectful, but still urgent representation made to him on the subject. He had said, that the vacation would be longer, and that it would be better to sit now than in the vacation; but their answer was, that the course of that Court had been to adjourn at this time; that men made their arrangements upon it; that their health required that there should be some remission of labour; and he felt the force of these arguments, and that he had no right to call on Gentlemen to exhaust themselves; and therefore he had said, that he would make arrangements to preclude the necessity of this sitting. The consequence of this would be, that the Court of Chancery would rise on Thursday before Good Friday, and not sit again till the Monday or Tuesday of the week after next. Their Lordships would adjourn over Good Friday, and sit the whole of the Easter week, a course which they pursued three years ago. The consequence of this would be, that sitting during that time, and having an arrangement by which that sitting could be continued during the rest of that period, the whole of the time might be occupied up to the first day of Term. So that before Easter Term, there would have been a greater number of sittings, and a disposal of judicial business in that House, not to mention the Court of Chancery, than there ever had been at any one time before.

Lord *Wynford* referred to the Lord Chancellor's statement respecting the impropriety of pressing too closely upon the appeals, and observed, that on that point he totally dissented from the noble and learned Lord; for he believed, that the principle applicable to the cases of appeals was very different from that supposed by the noble and learned Lord. The great cause of appeals, the great object in view in making them, generally, was the delay that must take place before the judgment could be carried into execution. If that reason were taken away, and it would be taken away by pressing closely upon the list of appeals, there would not be so many of them brought; for the reason of bringing them—the advantage of delay—would then be at an end. He begged to confine his observations, however, to Scotch Appeals only. This remark, however, he would make with regard to the appellant jurisdiction, that however objectionable it might be for a Judge to review his own decision, suitors would go to that House unless they were actually prohibited. They might establish Courts of appellate jurisdiction in Westminster Hall; but so long as that House retained the power of ultimate decision, so long would suitors never be satisfied till they obtained that ultimate decision.

Lord *Ellenborough* felt it would be but just to himself, as well as the noble and learned Lord, to state the impression which the information which he had just conveyed had produced upon him. It struck him, that if the reason assigned by the noble and learned Lord for not hearing appeal cases up to the present period of the Session was a valid one, it must be considered an equally valid reason for his adopting a precisely similar course in all future Sessions. At all events, as far as the English and Irish Appeals were concerned the reason so assigned would hold good, for it was obvious it would be quite as inconvenient for Counsel to attend English and Irish Appeals before Easter, in all future years, as it was stated by the noble and learned Lord to be in the present. Indeed, if the statement of the noble and learned Lord was to be admitted as a valid explanation of the circumstance, that no appeal case had as yet been heard, he thought that the English and Irish suitors should at once be informed, that in future years no English and Irish Appeals could be heard until after the 15th of April, as by that means they would be saved a great deal of unnecessary anxiety. With respect to Scotch appeals, the case, he apprehended, was nearly similar, and if so, he thought it should likewise be at once intimated to the Scotch solicitors, that in future the House would attend to no Scotch appeal until after Easter. He confessed he was so far satisfied by the noble and learned Lord's statement, as to admit, that it would be inconvenient to proceed with English and Irish appeals, while Counsel were engaged attending the Equity Courts in Lincoln's-inn-Fields; but at the same time he was bound to say he was not altogether so satisfied with the reasons which the noble and learned Lord had assigned for not having hitherto heard Scotch appeals. The noble and learned Lord had commented upon the fact, that in some few appeals called on towards the end of the last Session, the solicitors were not prepared to proceed; but, considering the very unusual length of the last Session, he put it to the House to say whether that circumstance was so very surprising? But surely it was not to be fairly inferred, that because in the month of July or August last, owing to peculiar circumstances, those solicitors were unprepared to go on with their causes, they must have been unprepared in the month of February, when the present Session of Parliament commenced. He could, therefore, see no reason why those causes had not been heard by the noble and learned Lord at the usual and fitting period. Again, he confessed he could see no reason why the Scotch lawyers engaged in Scotch causes should not wish to enjoy the Easter recess, as well as their English brethren. The noble and learned Lord had entered into a very lengthened statement relative to the quantity of business he had gone through since he first got possession of the Seals; but he (Lord

Ellenborough) was still at a loss to know what observation of his had called for that statement. He never imputed to the noble Lord, that he was an idle man; he never said, that the noble Lord had not been employed in the Court of Chancery during all the time which, in his opinion, ought to have been devoted to the hearing of appeal cases; he never meant to insinuate that the noble Lord had been indulging in relaxation while he ought to have been busy. The utmost he had done, and he would maintain he was perfectly justified in so doing, was to express an opinion, that as the noble Lord, was Speaker of their House they had a fair claim to some portion of his time; and, at the same time, to inquire the reason of his absence, that absence being a total deviation from the usual practice. He knew well, that the noble and learned Lord had been ever since the commencement of the present Session, daily employed in the Court of Chancery; and not only, that he was employed hearing causes in Court throughout the day, but that he was often obliged to devote his nights in preparing his judgments. He did not in the least doubt the noble and learned Lord's assiduity; but he wished to know, and he would again say he had a right to desire the information, why their Lordships and the suitors of their Lordships' Court were not to derive the benefit of some portion, however small, of that assiduity.

The *Lord Chancellor* repeated what he had before stated, that he did not take the noble Lord's interference in this matter in bad part. Indeed, he rather thanked the noble Lord for bringing the subject under their Lordships' notice. He complained not of the noble Lord's manner; there was nothing discourteous about it, inasmuch as he had not meant to insinuate, as he certainly had not openly stated, that he (the Lord Chancellor) was an idle man. But with respect to the Scotch appeals, the noble Baron seemed to have entirely forgotten his (the Lord Chancellor's) statement, when he said, that this was the first time of a Chancellor not sitting in the House of Lords before Easter. He (the Lord Chancellor) had already stated, that in one instance Lord Eldon did not sit judicially in that House once in the whole year, Lord Gifford having attended in his place; and that Lord Lyndhurst was absent for half a-year, during which period Sir John Leach, and Chief Baron Alexander sat for the purpose of hearing appeals. He wished their Lordships to bear in mind, that at the time of the absence of the noble and learned Lords just mentioned, the arrears were pressing; and that, at the present moment there were actually no arrears of Scotch appeals. It was a fact, that at the end of last Session he was proceeding with appeals entered at the commencement of the same Session; he was hearing in July appeals entered on the January preceding; and he only stopped for the reason he had already explained. But he was perfectly willing that the Scotch appeals should be proceeded with; and he begged the Scotch suitors and solicitors to attend to what he was about to say. He was now warned, that there was a complaint, that the Scotch appeals were not heard. He would take care, then, that they should be heard, but the parties must be ready when called upon, and must not quarrel with the Judge that heard them. His noble and learned friend (Lord Wynford), who had just quitted the House, being always prepared and willing to do his duty in that place, would be ready to hear them; and the Scotch suitors, who complained that the appeals were not heard before Easter, might be assured that they would henceforward be brought on. But he was not bound to have arrears in the Court of Chancery for their pleasure; and he would not. They must rest satisfied with such judicial assistance as his noble and learned friend, the late Chief Justice of the Common Pleas would give them, no doubt, with perfect alacrity; and he hoped they would, as he knew they ought to receive it with thankfulness. Here, then, was an end of that complaint. Was he to be told that he was bound to give up the business of the Court of Chancery for the purpose of hearing Scotch appeals? He denied that he was. It was enough for him, being importuned on the subject, to say, that the business should be done in his absence. This promise he now gave; the appeals should be heard; but he did not bind himself to hear them. Let the parties look to that. He knew it would be exceedingly convenient for some persons if he were to sit in that House hearing Scotch appeals, and allow the business of the Court of Chancery to get into arrear. Then the complaint would be, that the Court of Chancery was neglected, for the purpose of despatching Scotch appeals in the House of Lords. This was not altogether an imaginary charge; it was one which had already been made against him. It had been said, that the Scotch business gave him no trouble; that he could hear Scotch appeals easily; but that it was much more laborious and difficult for him to dispose of English suits in the Court of Chancery; and that, therefore, he preferred sitting in the House of Lords to decide the Scotch appeals. He was determined, that that charge should not be brought against him again; and, though by taking the Scotch business himself, he might put an end to all complaints about arrears, raised in many instances by parties irritated because their own cases were not taken out of the proper turn, he still should not do so, either to gratify them or those other parties who wished for nothing better than an opportunity of attacking him, as formerly, for neglecting his duties in the Court of Chancery, and who hated nothing so much as the disagreeable fact—the non-existence of arrears.

Lord *Ellenborough* said, that as the noble and learned Lord had thrown out an obscure intimation, somewhat in the nature of a menace, of the course to be adopted with respect to Scotch business, it would be very important that the parties interested in Scotch appeals should distinctly understand what the noble and learned Lord's intentions were. Did he mean to hear the Scotch appeals presented this year at the end of the Session, if it should be sufficiently prolonged, or before Easter in the next year?

The *Lord Chancellor* said, he should answer the noble Lord's inquiry shortly, plainly, and distinctly. He had said nothing about the end of the Session, but he intended to do exactly what his predecessors had done before him, and what one of them had preached by way of advice, and practised by way of example—namely, to sit in the Court of Chancery, and not in the House of Lords, and to leave his noble and learned friend to hear appeals presented to their Lordships.

Lord *Ellenborough* thought it was impossible to give the Scotch suitors a more indistinct answer.

The *Lord Chancellor:* They will understand it well enough.

The Conversation was dropped.

HOUSE OF COMMONS,

Monday, March 17, 1834.

MINUTES.] Bills. Read a second time:—County Coroners' Bribery Law Amendment.—Read a third time:—Juries (Ireland); Mutiny.

Petitions presented. By Mr. HUTT, from Kingston-upon-Hull, for an Alteration in the Timber Duties; and from the Tea-Dealers and Brokers, for a uniform Duty on all sorts of Tea.—By Mr. INGHAM, from North Shields, for a Legal Inquiry after Seamen who are lost at Sea, &c.—By Lord ORMELIE, from Perth and other Places, for an Alteration in the present System of Church Patronage in Scotland, and by Mr. ABERCROMBY, from Edinburgh and Leith, to the same effect

TEA DUTIES.] Mr. Hutt having presented a petition from certain tea-dealers and others in London, against the new Tea-duties,

Mr. *Crawford* rose to offer a few observations upon the petition. It was from the tea-dealers, brokers, and others in the City of London, interested in the tea-trade, praying that one uniform rate of duty might be imposed on all kinds of tea imported into the united kingdom. The petition claimed the serious attention of the House and the Government, not only on account of the number and respectability of the signatures attached to it, but from the vast importance of the subject, and the suggestions the petitioners had felt it to be their duty to submit to the House, which, in his opinion, involved considerations of the greatest importance to the Revenue of the country. The petitioners had no object inconsistent with the interest of the public Revenue, nor did they seek a reduction of the duty on their own account, or on the ground of conferring a benefit on the consumer of the article; but they sought protection against the fraud they apprehended would be committed, the evasion of duty which would necessarily take place, and the vexation which would be experienced by the operation of a system of rated duties imposed by the Bill, which passed with such inconsiderate rapidity through that House at the termination of the last Session. The duty paid upon public sales was ninety-six per cent upon the lowest class of tea, which was bohea, and 100 per cent upon all others, according to their value. The duty was assessed by an officer selected by the East-India Company, and the money was paid forthwith into the Exchequer, free from all deductions. That system appeared to him a most excellent one; but it had been admitted by common consent that such a system would not be practicable under the altered state of the trade to India. Two alternatives had presented themselves—a rated, or a uniform duty; and the Government had, in his opinion very unwisely, adopted the former course. It was only fair, that he should state the reasons which induced him to come to such a conclusion. To render a system of rated duties beneficial, there were two most important requisites. The first was, a certainty and facility in distinguishing the different qualities of the article taxed, without which there arose impediments to the free and convenient course of business, and to the due collection of the Revenue; and the second was such an adjustment of duty to the relative value of the various kinds and qualities in the market of consumption as would not destroy the prevailing and free operation of the taste of consumers; for any violent action on prices, occasioned by the imposition of unsuitable relative duties, would alter the course of consumption, though it might not extensively affect the aggregate quantity consumed, and thereby greatly reduce the amount of Revenue. The scale of duties was deficient in each of these requisites. His objection to the want of certainty in distinguishing the various qualities was, because the sorts described in the several classes were not distinguishable by any defined or acknowledged tests, particularly as between bohea and congou. The black teas were all believed to be the produce of the same plant, variously acted upon by soil, culture, aspect, season, harvesting, and subsequent progress of preparation for the market. For these and numerous other reasons, as well as the vast varieties set forth in a trade catalogue of the East-India House sales, he asked how it was possible for a Revenue-officer to determine, on any well-established ground of confidence, the precise difference between bohea and congou, or congou and souchong, on occasions when there occurred anything like a close approximation of quality? Correct discrimination was utterly impossible. In establishing the force of his second objection, he was compelled to trouble the House with a reference to figures. Bohea, which now paid ninety-six per cent, was to be charged with a duty of 1*s*. 6*d*.; congou, now paying 100 per cent, with 2*s*. 2*d*. The difference of the duty, therefore, would be forty-four per cent, while the difference of value to the importer (the short price without duty) was from two to six per cent, and the difference of value in the market of consumption—that value being the long price, having the duties added to it—between the bulk of bohea and congou was about ten per cent. Therefore,

	s.	*d.*		*s.*	*d.*
When bohea sold for .	1	11	and congou for .	2	1
The duty 96 per cent	1	10	and 100 per cent	2	1
The wholesale cost was	3	9	and	4	2
When bohea sold for .	1	5	and congou for .	1	7
The new duty . .	1	6	and	2	2
The wholesale cost was	2	11	and	3	9

The relative value of these teas for consumption, as ascertained by public sales, was shown, in the first statement, to be as fifty for congou to forty-five for bohea. Then, when congou was worth 3*s*. 9*d*., bohea would be worth 3*s*. 4½*d*.; and, therefore, bohea, in the hands of the importer, would be worth 1*s*. 9½*d*., when congou was worth only 1*s*. 7*d*. The operation of the altered duty would be to make bohea which was two to six per cent cheaper than congou, thirteen and a-half per cent dearer in the importer's hands, or short prices. This scale of relative value would continue, in spite of any fiscal regulations of the noble Lord, just so long as taste continued the same, and the same relative quantities were brought to the market. The immediate effect of the scale of rated duties, in his opinion, would be, the relinquishment of so much duty which would go into the pockets of the first importer, while the consumer paid the same as before. It would also disturb the present settled course of demand, by means of the premium offered for the introduction of low qualities into consumption. Congou would be readily transformed into bohea, by deteriorating its quality four to six per cent, when it was admitted to consumption at forty-four per cent less duty. It had been considered somewhat paradoxical that any lowering of duty (all other things remaining the same) should not produce an equivalent fall of price in the particular article relieved; but this seeming paradox was easily explained by an illustration in corn, which was a subject every one claimed to understand in the present day. Contrasted with the measure of rated duties, which, being founded on an unsound basis, was, he would say, unfortunately impracticable in its details, was the simple principle of one fixed rate of duty. What the amount of that duty should be it was not necessary to discuss; it was enough to say, that as it need not, so he believed it would not, bear with any increased weight on the poorer class of consumers. It would render unnecessary the whole of that corps of tasters and inspectors otherwise about to be enrolled. It would prevent the necessity for, and, therefore, save the merchant from the trouble and vexation which would attend a Custom-house examination of every chest to be imported, and would at the same time protect the Revenue from fraud, and, in his judgment, promote its productiveness.

Lord *Althorp* said, he felt the petition to be one of the greatest importance, and one that deserved the serious consideration of the House. It was impossible to hear the very able speech that had just been addressed to the House without giving the hon. Gentleman credit for great knowledge of the subject. The graduated scale of duty which had been imposed by the Government was not with a view to force a change in the consumption of tea. The hon. Member was well aware that an *ad valorem* duty had been paid by the old law, and it was admitted on all hands, that a fixed duty could not be continued. The great object of the Government in the course they had pursued was, that the poorer classes of the country should be supplied with the commoner teas at a low rate of duty, and that those consumed by the higher classes should be subject to a greater duty, in proportion to the quality of the tea. A great objection had been made by the hon. Member as to the practicability of making a distinction between the qualities of the various teas which were imported into this country. With that view an experiment had been made at the Board of Control. Several persons were called in who had an extensive knowledge and experience of the value of tea, and they were called upon to decide upon the quality of the different samples placed before them. The result was, that out of all these individuals, who perfectly understood their business, only one instance of mistake occurred. This circumstance led the Government to suppose that no difficulty could occur in distinguishing the varieties of the teas. The experiment had been made in America, and had been found to work most successfully, and this circumstance was a strong inducement to try it here. It was material for the House to observe that the hon. member for London had taken the lowest price of congou in comparing it with bohea, and he had certainly made a statement which showed that the varying duties were a great temptation to fraud. He perfectly agreed with the hon. Member, in reference to the collection of the tax, that no doubt could exist so far as a simplification of the machinery was concerned, that the interest of the Government would be greatly affected by a fixed duty. Upon the whole, however, he thought it of such vital importance that the lower classes should obtain cheap tea, that he should feel very reluctant, notwithstanding the forcible arguments that had been used by the hon. Member, to abandon the system without having made a trial.

Sir *Robert Peel* said, there could scarcely be a subject of greater importance brought under the consideration of the House, than that which had been introduced by the presentation of this petition. The House was discussing what was to be the future duty, and the mode of levying it, on an article of general consumption, which yielded last year a revenue of 3,300,000*l.*—a source of revenue which was collected at less expense than any other, and imposed a smaller burthen on the public than any other tax of one-third its amount. They were about to try a most important experiment with respect to the mode in which that duty was in future to be collected. Let the House bear in mind, that by the regulations about to be adopted, tea could be imported into any portion of the kingdom. Let the House also recollect, that this was an article, the amount of revenue derived from which was subject to the greatest possible fluctuations. Previous to the alteration of the Tea-duties made by Mr. Pitt, in 1784, a great portion of the teas imported into this country was smuggled. To such an extent did this practice of smuggling prevail, that Mr. Pitt found it necessary to introduce the Commutation Act, in order to put it down; for at that period, 13,000,000 lbs. of tea were consumed in the United Kingdom, and yet but 5,500,000 lbs. of tea were furnished by the East-India Company, the rest being secured by illegitimate means. The duty on tea, at that time, amounted to between 700,000*l.* and

800,000*l.*; but, in order, if possible, to prevent smuggling, Mr. Pitt diminished the duty to such a degree, as to have only 170,000*l.* revenue collected on the article. Was it wise, then, when they were on the eve of a great experiment in the whole trade to China, to adhere to that change in the Tea-duties which was introduced in a Committee of Supply, on the 15th of August;—in fact, in the dog-days, when the duties of the Legislature had devolved upon a very small number of the Members of that House? Who could deny, that the measure which was now proposed by his Majesty's Government, was a hazardous experiment? Free trade might, perhaps, counteract all the disadvantages incidental to the proposed alterations; but it became of peculiar importance, now that the Legislature knew the dangers by which the proposed system was beset, and was aware of the complications by which it would be attended—to see that no regulations were adopted which were not perfectly simple, which did not exclude every temptation to fraud, and which did not prevent, as far as possible, the injurious consequences of smuggling. The noble Lord said, that the effect of the intended plan would be to lower the rate of duty on the tea used by the poorer classes, and to raise the amount of duty on that consumed by the rich. It was certainly a plausible and a strong argument in favour of levying such a duty, that the amount of the revenue necessary to be raised, was apportioned to the means of the different classes by whom this article was consumed. He greatly doubted, however, that the measure of the noble Lord would have that effect. He would take the liberty of stating, for the information of those Gentlemen not conversant with the tea-trade, the principle upon which the scale of duties fixed by the noble Lord was regulated. Hereafter a duty of 1*s.* 6*d.* per pound was to be levied on bohea, not as an *ad valorem*, but a fixed duty; 2*s.* 2*d.* on congou, and 3*s.* on the better description of teas. These duties were fixed on the supposition that these teas were respectively consumed by the lower, the middle, and the higher classes of society. If the duties on these teas were paid exactly in the way assumed by the proposers of this measure, there might be some grounds for calling upon the House to accede to these regulations. The truth of this assumption, however, he altogether denied. There was a difference of 8*d.* in the pound made between the lower and the intermediate description of teas, for the purpose, as it was said, of benefiting the poorer portion of the community. From levying the duty in that way, it must be presumed that the poorer classes consumed the worst description of tea. In contradiction to that assertion, he would only ask any hon. Member to inquire of those retail dealers who lived in the neighbourhood of the places inhabited by the working classes, what description of teas were generally bought by that portion of the people, and he (Sir Robert Peel) was satisfied he would find that it was not tea of the worst quality which was consumed by that class of the community. It was an incontestible fact, that the quantity of bad teas sold by them bore no proportion to those of a superior quality; and that for every chest of bohea sent from their stores, 100 chests of congou were purchased. Take Ireland, for example, as a country in which it was said the greatest poverty prevailed. He would not venture to say what exact proportion the consumption of good and bad tea bore in that country to each other; but this fact he would state, without any difficulty, that the quantity of congou sold in that country far exceeded that of bohea. To show still further the fallacy of this assumption, he would merely state the declaration of the East-India Company themselves, at their last sale, to show that congou tea was consumed by the great mass of society. The quantities of this description of tea sold were—

Bohea	.. ..	1,500,000 lbs.
Congou	.. ..	5,654,000

It would appear, therefore, from this statement, that the noble Lord, instead of bestowing a boon on the poorer classes of the community, would, by his project of a fixed rate of duty, materially increase the price of those teas generally consumed by the population of this country. He would, in confirmation of this view, call the attention of the House to a statement of the teas sold by the East-India Company, consisting of the first class of bohea and common congou, during the last three years. It was as follows:—

In 1831,	the finest bohea ..	3,300,000 lbs.
	common congou tea ..	7,700,000
In 1832,	the finest bohea ..	3,620,000
	common congou ..	8,183,000

In 1833, the finest bohea	.. 3,404,000
common congou	.. 9,116,000

Notwithstanding so large a consumption, he would venture to say, that the difference of price at the sales was not above 1½*d*. in the pound. What was it they were now about to do? It was proposed to make a difference in the duty of 8*d*. per lb. on these two classes of tea. What would be the consequence? A direct encouragement would be given to the consumption of a bad article. What was the course pursued by the East-India Company with regard to bad teas? Why, they destroyed all teas of a very inferior quality, because they were of opinion that if the article were brought into discredit, and strong prejudices entertained against it on the part of the public, its extensive use would, in a very short time, be seriously endangered. It would become, under the proposed regulations, the decided advantage of China to send an inferior article into this country. Now, with respect to the fine class of bohea, as had been proved by the hon. Gentleman, the member for London, in the able speech which he addressed to the House, he (Sir Robert Peel) should be glad to know how it was possible to distinguish it from congou? The plant was the same, and the difference in quality resulted from the nature of the soil on which both kinds were grown. It was proposed that there should be inspectors appointed, not alone in the port of London, where persons of long experience might, perhaps, succeed in discovering the difference between these two leaves, but in every port into which teas could under the recent change, be imported; so that to the opinion of an inspector, in one of the outports of Scotland, was to be left the decision of fixing the rate of duty, which might often involve a question of the highest importance to the trader. Suppose an inspector, though an honest man, desirous to increase the revenue, and that, for that purpose, he should fix a higher rate of duty than he was justified in imposing, what protection, in such a case, had the honest dealer against such a decision? If, for instance, a vessel from China were to bring 20,000 chests of tea, each weighing 80 lbs., it might make no less a difference than 60,000*l*., according as the duty were paid upon the tea, as bohea or as congou. This was, perhaps, an extreme case; but it showed the power which they were about to give to the inspectors at the different ports. The noble Lord said, that he was anxious to try this plan, which he proposed as an experiment. He (Sir Robert Peel) maintained however, that they ought not to incur a risk which involved such serious consequences, without well considering the practicability and the policy of carrying the system into execution. The whole system was, in his mind, so complicated, and the danger to the revenue would be so great, that he besought the House not to come to a hasty conclusion on a measure which professed to bestow a benefit on one portion of the people, but was, in reality, fraught with the most pernicious consequences to all classes of the community.

Lord *Althorp* moved, that the House resolve itself into a Committee of Supply. The debate was adjourned.

SLAVERY ABOLITION ACT.] Mr. *F. Buxton* took that opportunity, seeing the right hon. Gentleman, the Secretary of the Colonies, in his place, of asking a question or two which related to a subject of very great importance, and was deeply interesting to many both in and out of that House. He wished to know whether the great experiment of last year, with reference to negro emancipation, had, as far as it had hitherto proceeded, satisfied the reasonable expectations of Government? A Report had been circulated, that very important intelligence had been received from Demerara, manifesting the most cordial and conciliatory spirit on the part of the masters of slaves, and exhibiting at the same time the best disposition on the part of the negroes. It was also reported that in the island of Antigua the House of Assembly had passed an Act for immediate emancipation, without the intervention of the term of apprenticeship. With regard to Jamaica, he had also heard, indeed he had seen a letter from that quarter to the effect, that but for some unaccountable misapprehension, that the parent Legislature was anxious that the apprenticeship clause should not be dispensed with, they would have followed the same course, by passing an Act for immediate abolition. He was anxious to know whether Government had received any official information upon these points? There was only another thing to which he would allude. There had been a strong apprehension, he believed, in many instances, honestly entertained last year by many hon. Gentlemen, both in and out of that House, that in consequence of the measure then adopted, the ordinary quantity of provisions and stores would not be sent out to the West Indies. Now, he had been given to understand that the quantity of stores sent out fell very little, if anything, short of the usual supply. Feeling the importance of the subject, and well knowing the great interest attached to it out of doors, he was anxious to ascertain whether the right hon. Secretary for the Colonies could give any official information to the House upon the points he had alluded to?

Mr. Secretary *Stanley* said, although he was not prepared to go extensively into the different questions which had been put to him by the hon. Member, yet he could not but embrace with great pleasure the opportunity thus afforded him of referring as far as he could satisfactorily and distinctly to each of them. And first of all, he had to thank the hon. Member for having privately communicated to him his intention of putting the questions specifically on the present occasion. As to the success of the Negro Emancipation Bill, and whether it had answered the expectations of his Majesty's Government, his hon. friend was well aware, that the Act had not yet come into operation in any one of the Colonies, and it was, therefore, difficult to give any further answer than that contained in his Majesty's Speech, that so far as they could yet judge, they had every reason to form the most sanguine expectations of its ultimate success. With regard to Antigua, it was undoubtedly true that the Legislature had in progress a measure for doing away with apprenticeship altogether, and thereby to carry into effect emancipation on the 1st of August next. They waited, however, till they should ascertain from his Majesty's Government whether, in the event of such a Bill passing, the British Parliament would object to it as being in fact a variation from the original plan. He had no hesitation in assuring the inhabitants of Antigua, as indeed he had previously communicated by means of a circular letter, anticipating, in the case of some of the colonies, that measures of that nature would be proposed, that as they had the power of generally regulating and abridging its period, they had also the power of doing away with the apprenticeship altogether; but he hoped he had correctly expressed the feelings and intentions of Parliament in saying, that it would not be competent for them to substitute for the system of apprenticeship any other and different species of coercion, drawing a distinction between the state of the negroes and that of the rest of the population. They must either embrace the apprenticeship in its main details and principal provisions, or, doing away with it entirely, admit the negroes to a full and equal participation in the rights of their fellow-subjects. What the result might be of this communication of course he knew not. He must add, that he had found it necessary to be precise upon this point, because the proposal of immediate abolition without apprenticeship had been associated with an attempt to introduce the discussion of the four-and-a-half per cent duties, which he had undoubtedly said, could not be taken up by that body, and the annexing of which, as a condition of immediate emancipation, not being sanctioned by Government, would at once defeat their object, and risk the loss of the entire Bill. With regard to Jamaica, he was not at present sure that he could speak with entire confidence, although he had undoubtedly heard reports similar to those referred to by the hon. Gentleman, and that a desire had been expressed to pass a Bill terminating the system at once, without the intervention of apprenticeship. They had, however, passed an Act to which his Majesty's assent had been given, fully carrying the principle, and almost all the details of the original measure, and thoroughly and completely entitling them to compensation, for full and free compliance with the provisions imposed by the Imperial Legislature. With regard to Demerara, he could only say he had a still more gratifying announcement to make to the House. He had received, on the 13th of the present month, two despatches dated the 26th and 27th of January; and although two papers, to which the Governor referred, had by some mistake not accompanied the documents, yet the language made use of sufficiently showed what the scope and tendency of those enclosures were. He stated, in the first place—"I cannot show you in a more gratifying manner the tranquil state of this colony than by submitting to you the Returns for the last month from the three fiscals and the protectors of slaves, the one containing all cases of punishment imposed on the slaves by the judicial authorities, the other all cases of complaint throughout the colony, comprising a slave population of 80,000, against their masters." For Demerara itself, by some accident, the report of the fiscal has not been forwarded, but the total punishments awarded in the other two districts in the month of December, (an holyday month, be it recollected, when some little excitement was naturally to be expected), "amount to no more than thirteen—no one of them being of a corporal nature, and varying from one to three weeks' imprisonment."—"The total number of complaints from 80,000 slaves against their masters amounted also to thirteen; while all of them were of the most trivial and insignificant nature." He had also to state, although the returns alluded to could not yet be submitted to the House, that the governor used these expressions, as to the amount of produce and the diligence of the slaves—"I beg also to lay before you, and draw your attention to returns, showing the quantity of colonial produce gathered this season, as compared with preceding years,"—he (Mr. Stanley) regretted much not having the identical documents—"a considerably increased quantity has been made last year, although the season has not been by any means peculiarly favourable. This increased quantity is solely attributable to the increased good-will and diligence of the slaves, and this good-will and diligence of the slaves are the consequences of the milder treatment they now experience, and the cheering prospect they have before them." He had only one other, and not the least gratifying statement to make—that the Court of Policy of Demerara, composed, as to one moiety at least, of colonial planters utterly unconnected by any tie with Government, and not very sparing in the course of the last few years in venting their feelings of anger at some of the Government measures, had unanimously passed an ordinance, without one dissentient voice, abolishing, from the 1st of March, 1834, the power of the masters to inflict corporal punishment to any extent, and for any cause whatever; thus by five months anticipating one of the principal enactments of the British Legislature. They had constituted Courts of petty Sessions, not to be attended by less than four Magistrates, and to be presided over by the fiscal, for the trial of all causes between master and slave; and they had added to this the wise provision, that no master should give his voice upon the question of any punishment proposed to be inflicted on a slave belonging to himself. He need not say, he had advised his Majesty with the greatest satisfaction to express his approbation of this wise, humane, and liberal policy adopted by the colony of Demerara which he was bound to say, afforded to Government and the country the best security for the final and complete success of the great experiment itself. He had also had the satisfaction of expressing his Majesty's approbation of a proclamation issued by the Governor, pointing out to the slave population, most justly and properly, that for this anticipation of the benefit conferred on them the slaves were indebted to their masters, the colonists themselves; and it afforded additional satisfaction for him to have the opportunity of making that statement in the House, in order that, together with his Majesty's approbation, he might be able to communicate to the colonists, as he confidently anticipated, the applause and sanction of the House of Commons for the wise and liberal course they had pursued.

MALT-TAX.] Lord Althorp again moved the Order of the Day. On the question that the Speaker leave the Chair,

Mr. *Cobbett* rose to offer to the House, with very great submission to its better judgment, a Motion, in the following words—"That from and after the 5th October next, all Duties on Malt shall cease and determine." To make such a proposition without reasons given, would be very presumptuous in any man, but to state all the reasons would require more time than he was in the habit of consuming in that House, and much more time than he should like to consume on the present occasion. He would, therefore, bring his observations into as small a compass as possible. Before he proceeded to state the divers grounds for repealing this tax, it was necessary for him to state something as to the number of the nation which would be affected by the Repeal of the Malt-tax. It had been represented, that the agricultural part of the community was comparatively very small—that it was quite insignificant as contrasted with the manufacturing population. The hon. member for Middlesex had recently said, that this was a nation of manufacturers, and the right hon. member for Manchester (Mr. Poulett Thomson) had stated, that this country was to be the manufactory of the whole world. Thus it would seem, that the agriculturists were a mere trifle in comparison with the rest of the inhabitants of the kingdom. The noble Lord, the member for the West Riding of Yorkshire (Lord Morpeth), had termed those who petitioned for a Repeal of the Corn-laws, the main body of the people. Never had a more gross error been committed—never had a delusion been more widely disseminated. The manufacturers were represented as everything, the agriculturists as nothing. He would show, presently, that the Repeal of the Malt-tax was as important to the towns as to the country; but first he would advert, with more particularity, to the comparative numbers of the agriculturists and manufacturers. The right hon. member for Manchester had said, that the families employed in agriculture were 900,000, and the families employed in trade 1,400,000; but this was a gross, though not a wilful error. It arose out of the mode in which the population returns had been prepared. Every parish was stated to carry on some manufacture or other, yet it was indisputable that there were many parishes where not a soul was so engaged, and in a parish of Hampshire with which he was acquainted, the parson and the doctor were the only persons not employed in agriculture. Yet even they were agriculturists, or depended upon agriculture; for the parson had his tithes, and the doctor was paid by those whose limbs he set to enable them to follow the plough. The fallacy of the returns had misled the country, and the land was looked upon as an insignificant part of the country. The member for Middlesex had said, that England was not only a manufacturing, but a poor country. Let him look into his store-house of knowledge, and show when England had not been a rich country. It was time that such a delusion was dissipated, and one particular parish might be taken as a most apt illustration. The hon. member for Guildford was the owner of a whole parish, or extra-parochial district, and the population return stated, that there were in it twenty-two families engaged in agriculture, and one in manufactures. That hon. Member little suspected, that in Wanborough, he had a manufactory exporting to foreign countries. And what was that manufactory? A manufactory of plough-shares and harrows, and shoes for horses. In fact, the only family not engaged in agriculture was the village smith; and was it not a palpable error to regard that family as not dependent on agriculture? A similar error pervaded all the returns. In every village, there were several tradesmen who were wholly supported by agriculture, who, in the population returns, were set down as engaged in trade. But letting that pass, what was the summary, even according to the gross misrepresentation of the population returns? That there were 1,075,000 male souls of above the age of twenty, chiefly employed in agriculture; and only 320,000 males of above the age of twenty, chiefly employed in manufactures. Upon this showing, it was nearly four to one in point of numbers in favour of agriculture. The question before the House was therefore worthy of its attention, if only on account of the great majority of persons employed upon the land; but those who resided in towns were interested in the Repeal of the Malt-duty, as much as those who only lived in the country. People in towns drank beer, and in a much larger proportion. He allowed, that the Malt-tax did not affect them in the same manner—but as a mere burthen, as a mere weight, it affected people in towns as much as people in the country. People in towns were much more closely connected with agriculture than was generally supposed. The hon. member for Marylebone wished for the Repeal of the Window-tax, in order to relieve his own constituents. Did the hon. member for Marylebone suppose, that the Repeal of the Malt-tax would not have the effect of relieving his constituents? Why, there were resident in London a thousand families, aye, he might say two or three thousand families, who were constantly occupied in making agricultural implements, in making ploughs, in making harrows, in making drills, in making churns, in making presses, in making tubs. Were these not the constituents of the hon. member for Marylebone? Destroy the agricultural interest, and what would become of those families? Why, they would all starve. What were the salesmen of cattle? What were the salesmen of seeds? Were they not inhabitants of towns? What was all Mark-lane? Were not all these persons deeply interested in the prosperity of agriculture? What folly it was, then, to say, that the people in the towns had nothing to do with the land. The fact was, that the interests of the one party were closely connected with the interests of the other; but if there was one more essential than the other, it was the interest of the land. If the full amount of the Malt-tax were paid into the Exchequer, and if there were no extraordinary expense in the collection of the tax, and no waste of the property of the people occasioned by it in other ways, why, then, if Government wanted the money, it certainly would be wrong to deprive the Government of it. But if he could show, and he was quite prepared to do so, that besides the enormous expense of collection, the tax was in many other respects burthensome and injurious to the people, he thought he should have a right to call upon the House to repeal it. The Stamp-tax, which produced four millions annually, cost only 168,000*l.* in the collection. But of the whole of the expenses which attended the collection of the Excise, five-sixths were to be ascribed to the collection of the Malt-duty. In fact, the country was paying above a million for collecting about four millions and a-half. But the expense of collection was not all. There was the great evil which attended the monopoly occasioned by the Malt-tax. The House-tax, the Window-tax, and other taxes of that description caused no monopoly. But the Malt-tax led to a most extensive and injurious monopoly. Four millions of quarters of malt, at a duty of 1*l.* 8*s.* per quarter, would cost the people only 5,600,000*l.*; whereas the same quantity, with the cost of collecting the tax, and with the burthens cast upon it in other ways, actually did cost the people 14,400,000*l.* So that this tax took from the people, took from the landed proprietor, took from the farmer, took from all the consumers of beer, nearly ten millions more than they would have to pay, if there were no Malt-tax. It was not merely the burthen of the tax. He was quite aware, that it was of little consequence what was the nature of a tax, provided it was general and equal in its provision. This was a tax partial in its character; it was a tax on those who brewed beer, and on those who drank beer. But it would be said, that somebody must get the ten millions. His answer was, that the Exchequer did not get it. If it got into the Exchequer, he should not complain; but the Exchequer received only four millions and a half, for what cost the people fourteen millions and a-half. The great maltsters, the great brewers, were the people that got the money. Their capital gave them a monopoly, which they used, not for good purposes, but to beggar the land and all belonging to it. They took this enormous sum from the working classes, and put it into their own pockets. The hon. member for the Tower Hamlets (Mr. Clay) told them the other day, that malt at Mark-lane was 52*s.* the quarter. A private dealer could not sell upon such terms. It was only the great monopolists who could afford to sell cheap. While it could be sold at Mark-lane for 52*s.* the quarter, it cost the small retail dealers 8*s.* and 9*s.* the bushel; the great brewers paid only 6*s.* 3*d.* the bushel, while the small brewer, 8*s.* 6*d.* or 9*s.* The great maltsters had another considerable advantage. By getting sufficient bondsmen, they were allowed to remain three collections of the duty in arrear, while the small dealer was under the necessity of paying up. The consequence was, that malting had become a complete monopoly in the hands of a few persons. He would appeal to those acquainted with the counties of Norfolk and Suffolk, whether there was more now than one maltster in places where there used to be ten or fifteen. Thus the monopoly was in the hands of a few, to the great injury of the farmer, who was obliged to take whatever they pleased to offer him for his barley. When this question was before the House, upon a former night, the noble Lord (Lord Althorp) said, he questioned whether, if the tax was repealed, the poor would brew their own beer, having been so long out of the habit of doing so. Habit had nothing to do with it. Men changed their morals, their dress, and their manners from habit; but their appetites remained the same; they must eat and drink. Habit could not alter this. One of the witnesses examined before the Committee on the beer-shops concurred so far with the noble Lord as to say, he thought it impossible, even if the law were repealed, that the labourers could brew their own beer; "for," said he, "there are few cottagers who have a house so large as this room (meaning the Committee-room), and they have not coppers or other conveniences, having been so long out of the habit of brewing." This was as much as saying, that labourers lost the habit of liking beer. He might just as well say, that they lost the habit of liking their dinner, and would not cook their bacon. How many would brew a gallon of malt at a time, as they used formerly, if it were not for this tax? It was the wife or daughter who brewed, and not the labourer himself. But then it had been said, that beer could not be brewed in a small quantity. A single gallon of malt would give twelve gallons of good beer; and he had known many persons who had been satisfied with brewing a single gallon of malt at a time. Nor did the operation require any large room or any extensive apparatus. In fact, brewing beer was precisely like making tea. Beer could be brewed with as much ease as tea could be made; and as to utensils, a porridge pot, holding five gallons, formed an excellent boiler, aad a washing tub answered admirably for a mash-tub and a cooler. With such means much better beer could be produced than any with which the public brewer now furnished his customers. The price of the malt was, in fact, the only obstacle to brewing. Mr. Simeon, a Magistrate of Oxfordshire, in his evidence before the Committee, said he caused inquiry to be made by the overseers in fifteen different parishes as to what would be the most effectual means of putting an end to the evils of beer-shops, and the conclusion to which they came with respect to fourteen of these parishes was, that the repeal of the Malt-tax was the only effectual remedy. One witness said, he feared if the tax was repealed, it would be an inducement to the labourers to steal barley. Out of fifty-nine witnesses examined, thirty-three of them said, they knew no more effectual remedy for the evils caused by beer-shops than the repeal of the Malt-tax. Mr. Goodluck, a Magistrate of Berkshire, said, the poor were prevented by this tax from brewing their own beer; and another witness was of opinion, that if the duty were taken off beer, it would diminish the tendency to drinking spirits. How much more must it tend to diminish the use of spirits if the duty were taken off malt! One of the witnesses said, he was in the habit of laying out a large sum of money to supply his labourers with beer, finding they would not work without it, but would go to the beer-shop and neglect their work. It might be said, why not give the labourers money in the place of beer? It would not be the same thing at all. Farmers could do more with one pound's worth of beer than two pounds paid in money, for they could give the beer at a proper time and place. Men were often employed to mow by the acre. Sometimes a labourer said, "Master Hugh, give us some beer." "No," says he, "but I will give you sixpence." Well, off went the labourer with the sixpence to the beer-shop, and, very probably, did not leave it till he spent more than sixpence, besides neglecting his work. It would be very different if he had the beer in the field. He would go to the hedge where his bottle of beer was, take a drink, and then return to his mowing. The labourer's wife would take care that a part of this money should be saved, and laid up, in order to purchase malt to brew his own beer. This would tend, in a great measure, and the wife would also use her influence, to keep the husband at home at nights, and break him of his habit of frequenting beer-shops and public-houses. This was not all the repeal of the Malt-tax would effect. Its repeal would have also a great effect in restraining young people to dwell with their parents, the not doing of which had so much demoralized and changed the habits of the labouring people. Immorality had increased among that class, because they were not induced to remain in their own houses, but tempted to go out by night and frequent the beer-shops. That was the mischief; and who was there that could imagine ten or twelve young people meeting together by night—he did not say at beer-shops exclusively, but anywhere else—without getting into mischief of some sort or other? In the former state of things the masters and mistresses of farm-houses prevented young people from going abroad of nights. All this had now fallen to the ground, and masters and mistresses had no longer the power to govern the young people they employed. Perhaps it would be difficult to bring back matters to the state in which they stood formerly: farms were larger now than they used to be, and farmers had become gentlemen. But at any rate Parliament ought to do something; it ought to interfere indirectly to try to bring back things to their former state. The great difficulty to come back to this state, the great objection to take servants into farm-houses, arose in a great part from the Malt-tax, since, as long as this tax stood, it would be difficult for farmers to provide beer for their servants, who drank a great deal of it at all times, and particularly in hot weather. Besides, it would be impossible to keep the beer locked up from them; they would get at it some way or other; and this was another objection on the part of upstart farmers to brew their own beer, and to keep house-servants. He did not pretend to say, that the repeal of this tax would remove all the evils under which the country laboured; but still it would be a great benefit to the country generally, and particularly to the agricultural portion of it. It would, at any rate, have one good effect; it would reconcile the people to many things they now bore with very great reluctance. In his opinion the repeal of the Malt-tax would be the greatest benefit to the kingdom that the Government could confer; it would go a great way in reconciling the people to the Government, and it would make them say, that the Reformed Parliament had done good, that they had not been deceived by it, and that its effects would be for the good of the country. If there was any one thing that would make the present Government safer, and fix them firmer in their places, than they were at present, it was the repeal of this odious and obnoxious tax. Another effect of the repeal of this tax would be to increase the peace, comfort, and good morals, of the people. For all these reasons he had taken the liberty of making the present Motion in the broad and comprehensive shape that he proposed, though he confessed, that he put it to the House without having any confidence or hope that it would be adopted. In going into Committee, he thought it best to move for a total repeal of this tax, as he considered, that a partial repeal, even though it should go so far as to take half the duty off, would be of no substantial benefit. All the expenses of collecting the duty would remain, and the maltsters would not reduce their price, so that little or no good would accrue to the consumer. Whenever any indirect Motion of this sort was brought forward, which would only tend to cheat the people and the House, he would oppose it. He would put the question fairly and fully before the House, in order that all those, the farmers of course included, who were now crying aloud against this measure, might know that nothing was to be taken off their burthens, that nothing was to be done for their relief, and that they were to remain in their present state. Besides, these classes would be fully satisfied, by his Motion, that he was determined to do his duty by them, when they saw him bringing this question in a straightforward manner under the notice of the House. The hon. Member concluded by moving his Resolution.

Lord *Althorp* said, that the question which the hon. member for Oldham now brought forward, had been decided so short a time since, that it could be hardly expected, that the House could adopt such a change of opinion as would be implied if it agreed to the Motion of the hon. Member. The hon. Member had argued, in the first place, that there ought to be no Malt-tax; and one of his arguments was, that it would be better if farmers and their labourers drank their beer in their own houses. There was no doubt of the truth of this, and the House, on this argument, would agree with the hon. Member. Most people would, no doubt, be the better, if the taxes were removed which pressed upon them. But the question the House had to determine was, whether, in the present state of the finances of the country, it was possible to reduce between 4,000,000*l*. and 5,000,000*l*. of taxes without finding some proper substitute for so large a deficiency. The hon. member for Oldham had said, on a late occasion, when they were voting the Army Estimates, that after they were carried he could not call on Government for a reduction of taxation. Now, not only the Army but the Navy Estimates had been voted; and if it were the opinion of that House that such establishments were necessary, and he supposed every person thought they were; he considered it utterly impossible to continue them, and provide for them, if the hon. Member's present Motion should be assented to. He completely agreed with the hon. Member, that a partial repeal of the Malt-tax would not be beneficial, and that no good could be expected save from its total repeal. But it must be clear to the hon. Member,—and it was admitted by the whole House,—that the actual state of the finances of the country would not admit of a total repeal of the Malt-tax. The hon. Member contended that the repeal of this tax would be beneficial to the inhabitants of towns as well as to persons residing in the country. He believed, that it would affect both classes nearly in the same way, since he considered that even the agriculturists would gain only as consumers by the repeal of this tax. But the main question, he repeated, was, whether the present state of the finances would allow the reduction of any such amount of taxation as was now proposed without a substitute? In the former debate upon this question substitutes were proposed, but they were impracticable. On the present occasion the hon. Member had not even hinted at a substitute for the amount of taxation which he wished to have repealed. The fact, therefore, was, that if the House consented to the present Resolution, it would consent to nothing more nor less than a total derangement of every financial measure of the Government, and in such a case, of course, it would be impossible to carry on the administration of the affairs of the country. He did not mean to follow the hon. Member through all his arguments. On the chief question, whether a tax on malt was good, he would say decidedly it was not, because, in his opinion, reasoning in the abstract, no tax on any commodity generally consumed could be in itself good. He was aware that this tax pressed on the farmers, but, as he said before, it only pressed on them as consumers. He believed, that brewing beer in their own houses would be an advantage to them. However, he was not of opinion, that the repeal of this tax would make the agricultural labourer brew his own beer. He said this, not because he thought the labourer's habits could not be changed, but because he firmly believed, that no change in the law could enable the labourer to brew his own beer at a cheaper rate than he could purchase it at. The hon. Member might shake his head in token of dissent, but such was his (Lord Althorp's) opinion. These were his views of the question, and he was afraid, that no alteration they could now make in this law would bring back among the farmers and labourers that state of society the hon. Member had so frequently alluded to. He used the word afraid, not that he considered that state of society so very desirable, but because he considered that the time was gone by for that state. If, at any time, there had been a chance, the difficulty, at present, was far greater than ever it was. He would oppose the Motion, and he could not help expressing his sorrow at seeing the hon. Member coming forward with his Motion so soon after the question had been discussed and decided.

Mr. *Curteis* said, it was unnecessary for him to dilate on a question that had been so recently discussed. If he could move an Amendment, he would propose, that from and after the 5th of April, 1835, half of the present duties on malt should be repealed. He could not, however, move an Amendment. He had been for many years an advocate for the repeal of these duties; but he thought the time was now come when they ought to take what they could obtain. The hon. member for Bridport (Mr. Warburton) had on a former occasion accused the agriculturists of wishing to put their hands into the pockets of the manufacturers; but this was not surely the case, since the landed proprietors had been as forward as any in recommending the repeal of the tax on beer. The noble Lord said, no substitute had been proposed for this tax. He did not mean to go the length of the hon. Baronet (Sir William Ingilby), and tax persons going to gambling-houses, but he thought that a 1,000,000*l.* might be raised by a tax upon lotteries. It was useless to say that lotteries were put a stop to; they were still continued; and a tax upon such gambling transactions would be better than a tax upon private gambling. He considered, that the duty on gin might be raised without any detriment to the revenue. He had another idea which was not exactly his own, but that of Mr. Miller, a solicitor, of London, by which a substitute for the Malt-tax might be obtained; he meant an equalization of the Land-tax. By such a measure, between 3,000,000*l.* and 4,000,000*l.* a-year might be raised. He threw out this only as a suggestion for the consideration of the noble Lord, not, perhaps, that it ought to be recommended, but it certainly might be a substitute for the tax proposed to be repealed. As he could not move his Amendment, he hoped the hon. member for Oldham would withdraw his Motion; but if the hon. Member chose to divide the House on the question, and though the result of that division should be that they would be left in a minority of six, still for the sake of consistency, he would support the hon. Member's Motion.

Sir *William Ingilby* thought, they ought to bring the question once more to an issue. It might be very well for hon. Members to do as they did the other night —turn his address upon the subject into ridicule. They now had the question placed before them in a very different manner; they had now heard it discussed by one of the ablest men in the King's dominions; than whom no man was better qualified to discuss all such matters, particularly the question before them. He, of course, meant the hon. member for Oldham. They now saw the question in a double light; they had seen it the other evening in a burlesque light; but now they saw it in a very different point of view. So much the better for their judgment. The noble Lord opposite had called upon him last year for a substitute for this tax. The consequence of this call was, that he had been driven into a corner and forced to produce his memorable budget. On all sides had he been called upon for a measure to supply the deficiency to the revenue that would be caused by the repeal of the Malt-tax. He had mentioned several very good substitutes. He really believed, that a tax upon gin, which was now overflowing the country, would supply the deficiency. Though it might be very well for hon. Members to turn his budget into ridicule, he really could not see anything so preposterous in it. He sincerely hoped that this tax, which fell so heavily on the people, would be done away with. He had been laughed at and accused of buffoonery; but he thought that the hon. Members who on that side of the House voted for the Motion of the Marquess of Chandos and against his, though both Motions were equally for the benefit of the agriculturist, were guilty of greater buffoonery than he. What! was it not buffoonery to vote one way one night, and another way another night? A Motion brought forward by a noble Marquess was treated with respect, whilst hon. Members thought they might be inconsistent and shift their votes on a Motion that was put forward by a Radical. For his own part he hoped the day would come when Members of that House would vote without reference to any party for Motions according to their real good, and not with reference to the mover of them being a Marquess or a Radical. He would vote for the present Motion, as he would for every one that went to relieve his Majesty's subjects from the burthen of taxation. He had not the other night produced his budget of his own accord; and if he had assumed the office and played the part of the Chancellor of the Exchequer, he begged the House to reflect that he did so by particular desire. He did not intend to take office any more. He had assumed it once. He had discharged the duties of it in a rational way, and he was glad to see the hon. Member who had last spoken approving of part of his budget, by advocating a tax upon gin. The tax upon malt was a bad one; it tended to brutalize the country; it was the cause of making the country overflow with gin; and he therefore hoped that the hon. member for Oldham would divide the House on the present question, in order that it might be seen who were the real friends of the agriculturists.

Mr. *Childers* said, that as he represented a large agricultural county, he was not willing to give a silent vote on the present subject. He did not believe, that a repeal of the Malt-tax would do anything like the good that some persons said it would, and that it would not increase the consumption of barley. The hon. Member read a numerical statement in order to prove, that in certain years when the duty on malt was reduced, its consumption had not increased, but, on the contrary, that in some instances it had been diminished by a third. The poor would not be relieved to anything like the extent supposed, because they would not brew their own beer. He was satisfied that there was as little chance of the poorer classes in the agricultural districts returning to the practice of brewing their own beer, as there was of their knitting their own stockings. The hon. Member quoted from the evidence of Mr. Thurnall given before the Committee on the Beer Bill, to show that it was not practicable for the labourers to brew their own beer. It was proved, that a beer-shopkeeper could never enter into competition with the great beer brewer. Hence he inferred, that as the private brewer brewed for his own use a much less quantity of beer than the beer-shopkeeper, it would never be worth the private or home-brewer's while to brew at all. The question having already been disposed of by so large a majority, in favour of maintaining the tax, he could see no just reason that had been brought forward why the Legislature should be called on again to interfere, and should, therefore, vote against the Motion.

Mr. *Cutlar Fergusson*, though one of the agricultural class, and a friend to its interests and prosperity, would, nevertheless, vote against the Motion of the hon. member for Oldham. Hon. Members talked of being consistent in their votes, but he, for one, preferred to vote in consistency with his judgment; and, therefore, could not consent to repeal the Malt-tax till the means were devised of making good the deficiency to the revenue. He doubted not the hon. member for Oldham could find immediate means to dispense with that tax in a reduction of the interest of the National Debt. [Mr. *Thomas Attwood:* And why not?] Why not? simply that it would shake the national confidence. There were only two means of providing a substitute—the one already referred to, and the other having recourse to a Property-tax. He, for one, would most strenuously oppose any such tax—one which was of the most odious and inquisitorial character; and being of this opinion, he would not support the Motion of the hon. member for Oldham, though he could not but admire the talent with which he had introduced the subject to the House.

Mr. *Sinclair* said, that as the hon. member for Oldham had intimated his determination to press this Motion to a division, he intended, as a volunteer, to go out in the forlorn hope, in order to show how anxious he was to relieve the landowners and farmers of this country from their distressing, if not desperate, condition. Two more years of the present low prices and heavy burthens would, in his opinion, complete the ruin of the agricultural interest, and consequently entail incalculable mischief upon the community. He had listened with great pleasure to the very able and lucid speech of the hon. Mover, who, in the graphic delineations of rural habits, and in just appreciations of the feelings of the working classes, exceeded all his contemporaries. He (Mr. Sinclair) rejoiced to find that hon. Gentleman assigning a due place to the landed proprietors and tenantry in the scale of relative importance. By many other persons they had been greatly undervalued, and their sufferings treated with indifference; but the sound reasoning of the hon. member for Oldham, and the facts by which his own experience and intimate acquaintance with the peasantry enabled him to illustrate all his assertions, were entitled to, and would meet with, far greater attention throughout the country, than all the more recondite speculations of our political metaphysicians. He was the more at liberty to support this Motion, because he was quite prepared to vote for a Property or Income-tax, as the only impost which would reach the fundholder, the mortgagee, and those who squandered their British incomes in foreign capitals, none of whom contributed in anything like a due proportion to the public exigences of the State, or the local burthens of the country.

Mr. *Mark Philips* said, he voted last year in favour of the Motion of the hon. member for Lincolnshire, for the partial repeal of the Malt-tax, and he did so in perfect consistency with the vote he had previously given in favour of the Motion of the hon. member for Worcester, calling upon the House to appoint a Select Committee to take into consideration the propriety of establishing a Property-tax. He maintained, therefore, the integrity of the vote he had given in favour of the establishment of a Property-tax, feeling, at the same time, the importance of the relief which the removal of the Malt-tax would afford, both to the consumer and the agriculturist; but when he came to analyse the division which took place on the Motion for the repeal of the Malt-tax, he found that, out of sixty-six county Members who supported that Motion, there were only twenty-four of the same Members who were prepared to give the noble Lord, the Chancellor of the Exchequer, an equivalent in return, by supporting the Motion of the hon. member for Worcester. Under these circumstances, he felt it impossible, as the Representative of a great mercantile community, distinguished as that community always had been by the honour of its transactions between man and man, and the maintenance of private credit, and anxious as they were, and always would be, equally with himself, to maintain the public faith, he could not feel justified in supporting the Motion of the hon. member for Oldham. He was anxious to see the tax in question repealed, but he had not confidence in the feelings of the House, after the example of last Session, and was afraid, should he vote to give up the Malt-duty, that few of the Members would be in favour of a Property-tax, or a substantial equivalent for the remission of so large a mass of taxation. He deplored the present state of agricultural distress; but he thought that those who were so strenuously opposed to the alteration in the Corn-laws, whilst they spoke of manufacturing prosperity, might read in that prosperity, which was, perhaps, only the revival from a long period of stagnation, the evidence that with the necessaries of life at a low price, as one of the causes of that prosperity, a permanent reduction in those prices was well calculated to maintain a permanent, instead of a temporary, prosperity. With an earnest desire, therefore, for the permanent welfare of both the agricultural and manufacturing interests, which were inseparably united, the home trade being that on which manufacturers set the most value—with a desire to see a cheap loaf on the table of every working man, which he considered the great necessary of life—and anxious, further, that after a supply of good and cheap bread, there should be a supply of equally good and cheap beer placed within the reach of the humblest classes; he was favourable to the remission of the tax, although restrained from voting for it by the considerations he had named. The repeal of every duty on raw materials, he begged to assure the landed interest, on which the industry of the country relied for employment in its conversion into manufactured articles, was an object for their first consideration, as it was impossible to improve the condition of the manufacturer without rendering him a better customer for the produce of their estates.

Mr. *John Maxwell* did not rise to advocate the interests of the landowners and farmers, but, as the friend of the poor. He had, in common with many others, much regretted to find the noble Lord was rather disposed to extend relief from taxation to the fundholder, the stockjobber, and men who had large houses in and near the metropolis, through the medium of his House-tax, than to the agriculturists, who had proved their allegation of distress and discouragement before a Committee of that House. He should act on this occasion as he had on other similar occasions when voting with the hon. member for Middlesex, he had formed one of a very small minority. He had then voted conscientiously, and he had the happiness to find since, that that small minority had influenced the House so far that the majority had embraced the same opinion, and redeemed itself in public opinion. Things would not retrograde in the present temper of society, and satisfied he was, that, however small the minority might be who voted for the Motion, the noble Lord would find the day was not far distant when their opinion would become the opinion of the House.

Mr. *Thomas Attwood* was not prone to feel despondingly as to the number of the minority with which he should vote. He had reasons to believe it would not be so contemptible in number, and certainly not as respected the influence or weight of character of the hon. Members who would be found in the same ranks with himself, supporting the Motion of the hon. member for Oldham. He was not for breaking faith with any class of his fellow-subjects. No man looked with more heartfelt hatred on all and any attempts made to break faith with the public. He could have wished the hon. member for Kirkcudbright would have embraced within the sphere of his anxiety to prevent breaches of public faith the embarrassed landowner, the ruined farmer, the beggared labourer on his farm. It was absurd to hear a party in that House talk of their anxiety to keep the public faith. It was but a bastard faith they kept to a certain mass of metal, whilst they broke faith to the living masses of men, their families, and their hopes. He would fearlessly ask the right hon. Baronet (Sir James Graham) whether he did not himself know, that the farmer, the landowner, and he might almost have added, many classes of mere agricultural labourers, had lost three-fourths of their income or wages of their labour by the great alterations or the gradual reduction of remunerating prices for their property or for their labour upon the land? The House had borne a very culpable part in one of the greatest and most crying cruelties and fraud that this or any other country had ever witnessed; and it was high time it should make some reparation to those classes for their delusion, to call it by no harsher name. He only wished that a little of the same unpalatable medicine which the agricultural classes had been drenched with should be in fairness given to the rest. He had hoped the noble Lord who had a heart beating in his bosom, and a sound head he believed, too, would before this have found out, that the time was come when these things must be altered. He wished to put the landlord, the farmer, and the labourer upon war-rents, war-prices, and war-wages, making all content if possible. Whilst they went on in their present system of delusion, this could never be. Nobody now was content but the fund-holder, and those on the Pension-list. He would just explain how these duties on malt operated on the consumer, which, in the whole, were said to produce only five millions sterling; and yet he would assert, without fear of contradiction, that they cost the public not less than twice that sum, or 10,000,000*l.* sterling, including the cost of its collection. For every bushel of malt he used he paid 8*s.* 6*d.* How was this made up? First, by 3*s.* 6*d.* for the raw material; 2*s.* 7½*d.* for the duty; then a bushel ought to be had tax and all, for 6*s.* 1½*d.* But, no; there was another tax to be levied on him, which was that tax resulting from monopoly. Monopoly demanded 2*s.* 4½*d.* more. And so it would ever be; and thus the poor man must pay 300 per cent upon the real value of the article he used as a necessary for the purpose of supporting a false and a fallacious system of finance. If the duties were taken off a gigantic burthen would be thrown off the shoulders of our poor; 5*s.* would, at the utmost, be the price of a bushel of malt. The people would obtain 3*s.* 6*d.* a bushel relief, out of which, perhaps, the farmer would get 1*s.* 6*d.* towards paying that excessive high rent, which the noble Lord, by his hocus-pocus had now turned into a solid gold rent. Let him not tread thus down the farmer, the labourer, and all connected with this class. Could he have thus treated the other classes, and given, for instance, the soldier only 3*d.* a day? Let his policy, as a finance Minister, be broad and comprehensive. The discontented labourers might go on burning all the ricks in the country, and nothing would ever stop them whilst they managed the finance thus. Give the labourers wages equal to their wants, which had been falling for years from the war prices. "But (said the noble Lord) if I give up these five millions, how can I go on?" No one expected, at least he did not, that the noble Lord should go on. But how was it possible the landed interest should go on which was thus, district by district, swept off by the besom of bankruptcy and destruction? For his part he could not wonder if, when the noble Lord got into the same bed with his victims, he would be restless on his pillow, for the noble Lord could not be insensible to the misery which the present system of taxation produced to millions of people throughout the country. He should feel it to be his duty to give his support to the Motion of his hon. friend the member for Oldham.

Mr. Secretary *Stanley* did not rise to enter into the discussion, but to entreat the House to show something like respect for their own proceedings. He trusted, that they would put an end to this most useless discussion, in which every topic was touched upon but that which really bore upon the question which they were called upon to consider, the expediency of repealing the Malt-tax. He would not follow the hon. member for Birmingham through the lamentations which he had expressed with respect to the restlessness of his (Mr. Stanley's) noble friend's pillow, and his sleeping in the bed with his victims; nor would he trouble the House with any observations upon war-rents, paper currency, and the other results of war which the hon. Member was so fond of dilating upon. He would, however, call the attention of the House to the position in which they stood with regard to this very question. They should bear in mind, that it was fully discussed no longer than a fortnight ago, and that they then determined, by the vote to which they came, that it would be utterly impossible for the Government to go on if it were deprived of so large a portion of revenue as that which the Malt-tax produced. But what was it that they were now called upon to do? Why, to reverse their former decision, and declare, that the repeal of the Malt-tax would be expedient, although it was not proposed that any other tax should be substituted in its stead. The question, he repeated, had already been settled; and if they were now to take the step they were called upon to take, the effect would be to derange the whole of the agricultural, manufacturing, and commercial interests of the country. The hon. Member would allow the Government to "make bricks," although he would deprive them of the straw necessary for the purpose. But, he would ask, whether the House of Commons would deal so unjustly with his Majesty's Ministers as to require them to carry on the business of the Government, and yet deny them the means of doing so? Without a revenue the Government could not be carried on, and, therefore, instead of going into the consideration of the repeal of the Malt-tax, the only question they had to consider was, whether they should not proceed to the Order of the Day for considering the Ordnance Estimates? Hon. Members must be sensible that to vote in favour of the Motion of the hon. member for Oldham could lead to no practical result. [An *Hon. Member*: It might lead to the imposition of a Property-tax.] It was all very well to talk of a Property-tax, but was it any more than reasonable, on the part of the Government, to say, "Carry your Property-tax first, and then take off the Malt-tax if you please?" Now, what was it that the Government were called upon to do? In one breath they were told they ought to take away a tax which produced a revenue of 5,000,000*l.*, while, in the other, the necessity of keeping up an efficient establishment was pressed upon their attention. Without a revenue equal to the present, the business of the State could not be carried on; and, therefore, he entreated them as men of business, to dismiss a discussion, in every point of view, so useless, and go at once to that which really formed the proper business of the day.

Mr. *Robinson*, adverting to what took place relative to the Malt-tax, last Session, must say, that it was his opinion, that if hon. Gentlemen could see their way clearly, they would require little inducement to vote for the entire abolition of the Malt-tax. No matter how this tax was considered, it was alike onerous and injurious; but still he was not prepared to call upon the Government to sacrifice so large an amount of the revenue without furnishing an adequate substitute for it. It was, no doubt, the desire of the House to relieve the country of this particular burthen, if it could be done with safety to the public service. He thought it could be done, without the least risk, knowing, as he did, that all the difficulties under which the country laboured arose from the injudicious alterations which had been made from time to time in the currency. He was clearly of opinion, that there was one, and one only, remedy by which the country could be extricated from its present difficulties; but, then, that was a remedy the House was indisposed to adopt. The remedy to which he referred, it was his intention, on a future day, to submit to the consideration of the House. His proposition would affect all classes of the community in an equal degree, without giving one description of property an advantage over another. It would apply as well to the fundholder as to the possessors of property of any other kind. The wealth of the country should be made to bear those burthens which it ought to sustain; and until that course was taken, it would be impossible for any Government to comply with the wishes of the people, or to repeal those taxes which were obviously unjust, and productive of much mischief. The substitution of a Property-tax for the present system of taxation was the only means by which substantial relief could be afforded to the country, and that was the proposition which he meant to bring forward.

Mr. *Cumming Bruce* had no wish to prolong the Debate, but was anxious merely to state to the House a few facts, which would show, that the agricultural interests of that part of the kingdom with which he was connected were now under great depression from the operation of the present system of taxation. In the first place, however, he must call the attention of the House to the comparison of the average prices of wheat now and at former periods; and he had taken the average price at present obtained in counties in the southern districts, as well as in the northern counties of Scotland. From the years 1829 to 1833, the lowest average was 51*s.* 3*d.* per quarter; and from 1797 to 1801, the average price was 47*s.* 1*d.* At present the average prices fixed in February last, in the county of Stirling, where there existed all the advantages of a ready market, and of a great manufacturing population, the average prices of agricultural produce were as follow:—Wheat, 46*s.* 5*d.*; barley, 25*s.* 4*d.*; and oats, 16*s.* 8*d.* At the same period, in a northern county—the county of Moray—the average prices were, wheat, 43*s.* 5*d.*; barley, 25*s.*; and oats, 15*s.* 10*d.*; and in the county of Banff, wheat, 37*s.*; barley, 23*s.*; and oats, 15*s.* per quarter. Now, he must remind the House, that it had been stated before the Agricultural Committee of last year by one witness, Mr. Low, that unless the farmer in Scotland could realise in the market 58*s.* per quarter for his wheat, 32*s.* for his barley, and 24*s.* for his oats, he would be unable to meet his engagements without sacrificing all the profits which ought to appertain to him, for his skill, industry, and capital. The Committee which had been acquiesced in last year by the noble Lord opposite, had, by their Report, shown the state of the existing distress amongst the agricultural interests, and had pointed out some measures of relief; yet a modification of the Poor-laws, and other remedies suggested, would not afford any relief to the agriculturist north of the Tweed, neither would any alteration of the Tithe-law affect the distress then consequent upon the low prices obtained for agricultural produce. In Scotland, all collision between the occupying tenants and the clergy had been avoided, but, though no outcry had been raised, the former had to contribute to the Church, though in a different shape, all that was paid by tenants occupying lands in England. The Scotch agriculturists had used great efforts, and with success, to improve the lands, but their condition was now daily becoming more distressing, and they were more and more unable to maintain a respectable and useful position in society, and the lands were passing into the hands of attorneys, money-lenders, and legal craftsmen—a change than which none more injurious could be conceived. He was not prepared, however, to break the national faith, and sacrifice the provision for the exigences of the State, and, therefore, he could not vote for the Motion of the hon. member for Oldham, but he would take the liberty of suggesting to the noble Lord opposite (Althorp) a means by which a partial relief could be afforded, without, to any considerable degree, affecting the revenue. The suggestion was contained in a memorial signed by the malt-distillers of the Inverness collection, and those memorialists recommended as a very essential amendment, the repeal of the Malt-duty, and the substitution of a Spirit-duty, which they were willing to increase to 3*s*. 11½*d*. or to even 4*s*. per gallon. Now, as the modification of the Poor-laws, or the proposed alteration in the tithe system, could not affect the agricultural distress in Scotland or Ireland, his proposition was, that the noble Lord opposite should separate the question of the Malt-duties with reference to those two countries, from the question as affecting England. It appeared that during the last year, the duty on malt paid in Scotland was 523,539*l*. 1*s*. 6*d*.; and, in Ireland, the amount paid was 246,347*l*. 4*s*. 9*d*.; making a total amount of duty paid in those countries, upon 707,975 quarters, of 769,886*l*. Now the malt-distillers suggested the substitution of an increased duty on spirits of 6*d*. He would accede to an increase of 8*d*. per gallon. The total number of gallons distilled in Scotland in the course of last year, was 7,979,000, and in Ireland, upwards of 9,200,000; thus making together a total of 17,259,958 gallons. Upon this, the increase of duty would realize to the revenue upwards of 600,000*l*., and, therefore, all that the noble Lord would, by the adoption of the proposition, be called upon to give up to the distressed agriculturists of Ireland and Scotland, would be, about 169,000*l*. By this arrangement the resources of the noble Lord would not be much trenched upon, while a great boon would be extended to both countries. He should not vote for the Motion of the hon. member for Oldham, but he had felt it his duty to call the attention of the House and the Government to these facts, with a view to redress the grievances and burthens by which the agriculturists of Scotland were oppressed and borne down.

The House divided on Mr. Cobbett's Motion—Ayes 59; Noes 142: Majority 83.

List of the AYES.

ENGLAND.
Adams, E. H.
Aglionby, H. A.
Astley, Sir J.
Attwood, T.
Barnard, J. G.
Bell, M.
Bowes, J.
Buckingham, J. S.
Burton, H.
Chandos, Marquess of
Chaplin, Colonel
Clayton, Colonel W. R.
Crawley, S.
Curteis, Captain
Faithfull, G.
Fancourt, Major
Fielden, J.
Foley, E.
Folkes, Sir W.
Gaskell, D.
Hume, J.
Ingilby, Sir W.
James, W.
Keppel, Major
Leech, J.
Lennard, Sir T.
Lister, E. C.
Mills, W.
Parrott, J.
Pigot, N.
Plumptre, J. P.
Rickford, W.
Robinson, G. R.
Shawe, R. N.
Simeon, Sir R.
Trelawney, W. L. S.
Trevor, Hon. R.
Tyrell, Sir J.
Tyrell, C.
Vincent, Sir F.
Walter, J.
Wason, R.
Watkins, L.
Wigney, I. N.
Wilks, J.
Winnington, H.

SCOTLAND.
Ferguson, Captain
Maxwell, Sir J.
Oswald, R. A.
Sinclair, G.
Wallace, R.

IRELAND.
Jacob, E.
O'Connell, M.
O'Connell, M. J.
O'Connell, J.

	PAIRED OFF.
Ruthven, E. S.	Goring, H. D.
Ruthven, E.	Handley, Henry
Sheil, R. L.	Troubridge, Sir T.
TELLERS.	Tynte, C. J. K.
Cobbett, W.	
Curteis, H. B.	

Question again put, that the Speaker leave the Chair.

RUSSIAN AND TURKISH TREATIES.] Mr. *Sheil*, in rising to bring this matter before the attention of the House, observed, that having agreed on a former occasion to postpone his Motion in consequence of the pressure of other business, he considered himself so much the more entitled to attention at present, particularly as no other business pressed before the Easter recess. If it should be asked why he had introduced a subject so important to the attention of the House, his answer would be that, before he exercised the right vested in every Member of that House, he had taken care to make himself acquainted with it. He should at once proceed, without any preliminary observation, to the statement of the facts, incidents, and documents, on which he should ground his Motion. In the autumn of 1831, Ibrahim Pacha marched into Syria; on the 3rd of December in that year, Acre was besieged; it fell in May 1832. Ibrahim Pacha advanced to Damascus, which was taken on the 14th of June. On the 7th of July, the fate of Syria was decided by the battle at Homs. It was easy to foresee these successes, and to anticipate the victory of Egyptian discipline over Turkish disorganization. Was it not most strange that at this period we had no Ambassador at Constantinople? There was no Ambassador from the English or French Governments. General Guilleminot had been French Ambassador during the Polish war; but, in consequence of his interference in urging the Porte to take advantage of that crisis, he was removed by Sebastiani, at the instance of Count Pozzo di Borgo. Turkey applied to England in this emergency for aid. This most important fact had been admitted by the noble Lord in that House. That assistance was refused. Even Russia concurred in recommending, that succour should be afforded. Russia calculated, of course, on the refusal. Naval aid was all that was asked. It was obvious that it would have been sufficient to deter Ibrahim from advancing. He marched on, and forced the passes of the Taurus. On the 21st of December, the battle of Koniah was fought, and the last Turkish army was annihilated. The moment for Russian interposition and the triumph of its crafty policy was now arrived. The emperor Nicholas, after England had refused her assistance, had sent General Mauravieff to Constantinople, with a letter, written in the language of fraternal endearment, to the Sultan, offering fleets and troops. This proposition was not at first acceded to, but on the 2nd of February, 1833, he applied for this sinister aid. As yet there was no English or French Ambassador in Constantinople. Lord Ponsonby, who had been appointed in November, did not arrive until the succeeding May. Admiral Roussin reached Constantinople on the 17th of February; on the 19th, he remonstrated (which England never did) on the occupation of Turkey by Russian troops. The Turkish government was struck with the force of his representations—but on the very next day the Russian fleet arrived in the Bosphorus. Admiral Roussin employed his best efforts to induce Ibrahim to sign a treaty, but he was counteracted by Russia, of which there could be little question. The French Ambassador was alone. Had he been sustained by Lord Ponsonby and an English fleet, much might have been effected; but Russian diplomacy, sustained by 20,000 troops, prevailed. The Russian army disembarked on the Asiatic side of the Bosphorus, Admiral Roussin was foiled, and to Russian interposition the Sultan declared that he owed the salvation of his empire. In May, Lord Ponsonby reached Constantinople. What he could have done, had he arrived at an earlier period, was obvious; what he actually did was equally evident. Count Orloff arrived as well as Lord Ponsonby, and the result was a consummation of the plot which had been darkly and deeply laid. From the Divan let them turn for a moment to St. Stephen's Chapel. On the 11th of July, the hon. member for Coventry had moved "for copies of papers respecting the measures pursued by Russia, in her late interference with the state of Turkey." On that occasion the noble Lord (Lord Palmerston) made some most important statements. The noble Lord resisted the Motion, because the transactions to which the papers related were incomplete, and their character must depend on their termination. He admitted, that aid had been asked of England by the Porte, and refused, and that if England had thought proper to interfere, the progress of the invading army would have been stopped, and the Russian troops would not have been called in. The aid granted by Russia was merely to repress Mehemet Ali. The integrity of the Ottoman empire should be maintained. The noble Lord said, "The taunt, of the Government being afraid of war is puerile, and I defy any man to show, that we have made any sacrifice of the honour or interests of the country for the sake of maintaining peace." He (Mr. Sheil) would not interrupt the order of the statement here by any commentary on this intrepid and chivalrous declaration, but would content himself with whispering "Poland" in the ear of the noble Lord. The noble Lord concluded by saying, "that he had no doubt that Russia would honourably withdraw her troops, as soon as peace should be established, and fulfil the pledges which she had made in the face of Europe." The 11th of July was the day on which this speech was delivered. How little did the noble Lord conjecture, that only three days before, on the 8th of July, a Treaty had been clandestinely signed at Constantinople between the Sultan and Count Orloff, who, while he appeared to be engaged in the reviews, shows, and illuminations of the seraglio, was secretly and silently conducting the Sultan to the ruin which had been prepared for him. Of this treaty our Government knew and heard nothing until it was announced in the *Morning Herald* of the 21st of August. On the 21st of August a letter from the private correspondent of that Journal appeared, in which it was stated that, "while Count Orloff was apparently complying with the wishes of France and England, he was preparing a stroke which only became known the day after his departure, which has since covered the Ambassadors of those countries with confusion, and has placed Turkey in the hug of the bear. He prevailed on the Sultan to sign a treaty, offensive and defensive, by which Turkey is bound not to make any treaty or call for assistance from any other nation for ten years. One of the articles confirms all prior treaties, in particular that of Adrianople; another binds Russia to furnish every assistance necessary to protect her from internal and external enemies; and the third, interdicts her from resorting to any other European power for ten years." The writer adds, that the other articles of the treaty were unknown; that the treaty was clandestinely concluded; that Lord Ponsonby and Admiral Roussin remonstrated, and were told that assistance had been asked in vain from England and France against Egypt, and that they had left the Porte no alternative; and that the Ambassadors had despatched couriers to their Courts for instructions. The writer said nothing with regard to the Dardanelles. This letter was, as he had said, published August 21, 1833, in London. On the 24th of that month, the gallant member for Westminster introduced the subject to the notice of the House. He asked whether the Russian troops had entered Turkey with the consent of France and England. He adverted to the fortifications of the Dardanelles, under the superintendence of Russian engineers, and added that it was rumoured that a treaty, offensive and defensive, had been entered into between the Sultan and Count Orloff, without the intervention or knowledge of the other Ambassadors. The hon. member for Oxford (Sir Robert Inglis) referred to the letter in the *Morning Herald*, and trusted, that the noble Lord would not allow the House to receive its information from the newspapers, but would give it in the usual manner. The hon. Member trusted, that before the prorogation of the House, or on the earliest occasion, the noble Lord would lay before the House, not merely the treaty, but the communications connected with it. He hoped the noble Lord would be able to contradict rumours of a treaty so injurious to the honour and interests of England. The noble Lord replied that a treaty had been signed; that it had not yet been officially communicated; that he knew nothing, except on vague rumour, at that time, of what the treaty contained. He said, that England had not objected to the entry of the Russian troops into Turkey, and that the Porte had, in the autumn of 1832, applied to England for assistance, but that the application was refused. On the 29th August, five days after, his Majesty's Speech on the prorogation of Parliament was delivered, and contained the following passage:—"The hostilities which had disturbed the peace of Turkey have been terminated; and you may be assured that every attention will be carefully directed to any events which may affect the present state, or the future independence of that empire." From the King's Speech he should pass to a very momentous communication made by France to Russia, in the following October. The interests of France and England were bound up together in the whole question, but more especially with respect to the passage of the Dardanelles, as by the Treaty of Paris in 1802, the rights of France and of England were placed upon precisely the same footing. In October last Monsieur Le Grenee addressed the following note to Count Nesselrode:—"The undersigned Chargé d'Affaires of his Majesty the King of the French, has received orders to express to the Cabinet of St. Petersburg, the profound affliction felt by the French Government, on learning the conclusion of the Treaty of the 8th July last, between his Majesty the Emperor of Russia and the Grand Signior. In the opinion of the King's Government, this Treaty assigns to the mutual relations existing between the Ottoman empire and Russia, a new character against which the powers of Europe have a right to protest." To this note, Count Nesselrode replied, in the following offensive and almost contumelious language:—"It is true, that this act changes the nature of the relations between Russia and the Porte, for in the room of long-continued hostilities, it substitutes that friendship and that confidence, in which the Turkish Government will henceforth find a guarantee for its stability and necessary means of defence, calculated to insure its preservation. In this conviction, and guided by the purest and most disinterested intentions, his Majesty the Emperor is resolved, in case of necessity, to discharge faithfully the obligations imposed on him, by the Treaty of the 8th of July, thus acting as if the declaration contained in the note of Monsieur La Grenee had no existence.—St. Petersburg, Oct. 1833." This note was taken from the *Augsburg Gazette,* to which it purported to have been transmitted in a letter from Paris on the 23rd of December. Here let one remark be made, which would not break in on the distinct classification of facts. If the French Government remonstrated, it was to be presumed that the noble Lord did not remain silent. Where was his correspondence? Was a note as affronting written in reply, or was it even couched in more caustic phraseology, and in the same style of contemptuous repudiation as the article in the *St. Petersburg Gazette* on the presumption of our interference in the affairs of Poland? To return to dates and facts, on the 1st of January, Count Pozzo di Borgo addressed the King of the French, and on that occasion the accomplished Corsican pronounced on Louis Philip an eulogium, accompanied with protestations, characteristic of both, of the party who indulged in, and the party who was graciously pleased to accept, the hollow panegyric. Six days after, in bringing up the address, M. Bignon delivered a speech, which was received with equal surprise and acclamation. He denounced the conduct of Russia towards Poland, and held out the aggressions upon Turkey as indicative of that deep and settled purpose, of which he had, in his official capacity, a perfect cognizance. In 1807, he said, Alexander had tendered all Southern Europe to Napoleon, provided he got Constantinople in exchange. He warned France to beware of the advances of Russian power in the East, and denounced, while he revealed her policy; and invoked his countrymen to awaken to a sense of the insults offered to the dignity of France, and the violation offered to her rights. To this speech the Duke de Broglie made an answer conspicuous in itself, and which his subsequent conduct rendered still more remarkable. He expressed his unqualified concurrence in all that had been said, and thanked M. Bignon for having given expression to the sentiments which he and his colleagues entertained. On the very next day, this very Duke de Broglie went down to the Chamber, and made a speech which was received with astonishment by both countries. He contended, that no violation of treaty had taken place,—expressed satisfaction with Russian policy, and stated, that there had been no material alteration made respecting the passage of the Dardanelles. M. Thiers, in reply to M. Mauguin, said nearly the same thing, and although M. La Grenee's note was yet fresh in every memory, and the Duke of Broglie's approval of Bignon's speech was ringing in every ear, expressed no sort of discontent at any one of the incidents which had taken place. M. Thiers, however, incidentally acknowledged, that it was a part of the treaty, that all vessels of powers at war with Russia, should be excluded from the passage of the Dardanelles. Our own Parliament did not meet until the 5th of February, but before it assembled, an incident occurred which remained to be explained. The French and English fleets united proceeded to the Dardanelles, which Russia had spared no expense to fortify, and having displayed the tricoloured and "the national flag of England," as it had been nobly called, near the spot where Sir George Duckworth, when Lord Grey was Secretary for Foreign Affairs, expended a good deal of powder without much avail, both fleets sailed away, and instead of proceeding to Smyrna, gave preference to a more distant, but less commodious harbour, where, however, Russian influence was not quite so predominant as in that celebrated haven. The glory of this expedition belonged to the First Lord of the Admiralty, but it was to be conjectured that the achievement was suggested by the genius of the Secretary for Foreign Affairs. But in what did it result? That remained to be told, and for the satisfaction of that curiosity he that night afforded an opportunity. Parliament met on the 5th. The King's Speech informed them that the integrity of the Porte was, for the future, to be preserved (the Sultan having been first stripped, and then manacled), and that his Majesty continued to receive assurances which did not disturb his confidence that peace would be preserved. The Duke of Wellington, in another place, adverted to the Treaty of Constantinople, and Lord Grey retorted Adrianople upon his Grace But, in the Treaty of Adrianople, there was, at all events, nothing that infringed upon our rights, as to the navigation of the Black Sea; and it was to be recollected that, whatever the First Lord of the Treasury might have said, the Secretary for Foreign Affairs declared that, "while he desired peace, of war he was not in the least afraid." In that House no interrogatories were put. On the 24th of February, the following paragraph appeared in the *Globe*, which, from its being the supposed organ of Government, deserved great attention, the more especially as they were left to the newspapers for their intelligence. That article stated:—"Another treaty between Russia and Turkey has been concluded at St. Petersburgh, which was signed by Achmet Pacha, on the 29th of last month.* * * Enough has transpired to satisfy the most jealous that its spirit is pacific, and, indeed, advantageous to the Turkish empire. The Porte is relieved from the pressure of the engagements imposed on her at Adrianople; and we understand that the Principalities, with the exception of Silistria, will shortly be evacuated, and the sum exacted by the former treaty reduced one-third. Such relaxations of positive engagements are proofs either of the moderation and good sense of Russia, or of the influence which the union of England and France, and the firm and concerted language of those two Powers, have acquired in the Councils of St. Petersburgh." Was it not reasonable that this treaty should be laid before the House? It was to be observed, that, in any account of it, either in our journals, or in the *Allgemeine Zeitung*, not one word was said of the passage of the Dardanelles. The Principalities of Wallachia and Moldavia, indeed, were to be evacuated. That circumstance was a mere delusion, for Wallachia and Moldavia were as much dependencies on Russia as if they had actually been transferred. Their Hospodars were virtually nominated by Russia; no Turk could reside in the country; and every appointment down to that of the humblest officer, was effected through Russian dictation. Silistria was retained, the key of the Lower Danube, commanding all Bulgaria, and a place so important that the Greek emperors constructed a wall there to protect their frontier, and guard against the incursions of the barbarians. As to the remission of money, that concession was made to an insolvent debtor; it was not the first time that Russia adopted the same course; the payment of a tribute was of little moment from a country which was almost incorporated in her dominions, and would soon meet the fate of so many of the Turkish provinces. But how did this treaty modify or effect that of the 8th of July? It did not at all relate to it. It concerned the Treaty of Adrianople, and, as far as they had nothing else on this question, the House was entitled to receive adequate information from the Government. With respect to the Dardanelles,—a matter of signal importance to England, affecting her commerce, affecting not only the navigation of the Euxine, but giving Russia a control over Greece, and the entire Archipelago,—it might be as well to state, with brevity, the treaties that existed between England and Turkey, and those that existed between Russia and Turkey, previous to that regarding which information was demanded. By the Treaty of 1675, concluded by Sir John Finch, the navigation of all the Turkish seas was secured to England. In 1809, a little time after our rupture with the Porte produced by the attack on the Dardanelles, a new treaty was executed, by which the passage of the Dardanelles and the canal of Constantinople was secured to England. The 11th article provided, that, in time of peace, no ship of war should pass, no matter to what country it might belong. In 1774, by the Treaty of Kaynadgi, the passage of the Dardanelles was first secured to Russian merchant-vessels. In 1780 a quarrel took place respecting an armed vessel. In 1783 a new treaty was entered into, and another in 1792 (that treaty by which the Crimea, just like Greece, was declared independent, and then absorbed in Russian domination), and by both treaties the passage was secured to merchant vessels only. In 1800, Russia having obtained the protectorship of the Ionian Islands (their importance we felt in 1815, not so much because we desired to acquire, as to take them from a Power that aimed at predominance in the Mediterranean), entered into a treaty securing the passage of the Dardanelles to the merchant-vessels of those islands. In 1812, the Treaty of Bucharest was signed, by which Bessarabia was given up to Russia, and all former treaties respecting the Dardanelles were confirmed. In 1829, the Treaty of Adrianople was signed, and, with respect to the Dardanelles, contained the following passage:—"7th Article. The Sublime Porte declares the passage of the Canal of Constantinople completely free and open to Russian merchant-vessels under merchant flags, from the Black Sea to the Mediterranean, and from the Mediterranean to the Black Sea; upon the same principle the passage is declared free and open to all merchant-vessels belonging to Powers at peace with the Porte. The Porte declares that, under no pretence whatsoever, will it throw any obstacle in the way of the exercise of this right, and engages, above all, never hereafter to stop or detain vessels, either with cargo or in ballast, whether Russian or belonging to nations with which the Porte shall not be in a state of declared war. In the manifesto published by the Emperor Nicholas on the 1st of October, 1829, he said:—"The passage of the Dardanelles and the Bosphorus is henceforth free and open to the commerce of all the nations of the world." Thus the stipulation was, that all nations at peace (not, be it observed, with Russia, but with the Porte), should enjoy the right of unimpeded passage; but that had been effected by the treaty of the 8th of July? Would it be said that nothing was accomplished by it? If so, why was it signed without the knowledge of our Ambassador, and in a clandestine and surreptitious way? What were its provisions? Did the public Journals give a just account of it? Was it true, that it provided that no vessels belonging to a power at war with Russia should enjoy the right? If so, the alteration was palpable; and if there were no express declaration to this effect, let there be an alliance offensive and defensive, and the Porte was bound to consider every enemy of Russia as its own; the consequence was precisely the same as if the Porte surrendered to Russia the possession of the Dardanelles, and the last of the sultans was the first satrap of Nicholas the Great. There did not appear to be any sound reason for withholding this treaty. It had been the subject of remonstrance by France, of debate in the French Chamber, of diversified commentary in the public journals. Why withhold it? There would be a strange inconsistency in publishing all the enormous answers to protocols respecting Belgium, where the transaction was as yet incomplete, and in refusing to furnish anything but materials for surmise on this treaty. Ponderous folios of fruitless negociations on the affairs of Belgium had been given to the world. Let the Government act upon the principle adopted in that case, and give the English people the means of forming a judgment of the policy which his Majesty's Ministers had adopted in a question where the national honour and interest were so deeply involved. It might be said—"Trust in the Minister, be sure that he will not desert his duty, or acquiesce in any measure incompatible with the honour of England." He (Mr. Sheil) would be disposed to do so when he took into account that the Secretary for Foreign Affairs was a political proselyte of Mr. Canning, who considered the interests and the honour of England as closely blended; and although the noble

Lord might have abandoned the opinions on domestic policy which were entertained by Mr. Canning when he was in the wrong, it was to be presumed that he adhered with a closer tenacity to those opinions in foreign policy where Mr. Canning was in the right. But this ground of confidence in the noble Lord was modified, if not countervailed, by the recollection, that in many recent transactions he had been baffled by that power which had gathered all the profligate nobility of Europe together, in order to compound a cabinet of Machievellian mercenaries to maintain the cause of slavery through the world. Look at Belgium—look at the Russian-Dutch loan! The noble Lord, although guided by the prince of Benevento, had lost his way in the labyrinth which Russia had prepared for him and Poland. "We shall," he exclaimed, "remonstrate." Well, we did remonstrate, and despatched Lord Durham to St. Petersburgh (why was not Sir Stratford Canning there?) and what had been the result? If confidence was to be entertained in the noble Lord, it must be built on some firmer basis than his maintaining of the Treaty of Vienna. Instead of calling on the people of England to confide in him, let him build his confidence in the English people. They were fond of peace, but they were not afraid of war; and when the honour and dignity of England were to be maintained, he would find in them sympathy, and generous auxiliaries. Our fleet could blow the Russian navy from the seas; England was yet a match for the Northern Autocrat; and there was might enough left in her arm to lay low the colossus by which the Hellespont was bestrid. The hon. and learned Gentleman concluded by moving an Address to his Majesty, "that he would be graciously pleased to direct that copies of any treaties between Turkey and Russia, since the year 1833, and of any correspondence between the English, Russian, and Turkish Governments, respecting those treaties, be laid before the House."

Mr. *Henry Lytton Bulwer* seconded the Motion, and trusted that the House would insist upon the production of papers, which, if they were what they ought to be, would give the House and the nation at large that important and interesting information which was so much wanted. He did not altogether, in considering this question, lay so much stress upon the different treaties which had been mentioned by the hon. and learned Gentleman in his eloquent speech, because he looked upon treaties rather as declarations by the powers making them, of what they considered their respective interests for the time being, than any binding obligation. What he would lay stress upon, and what this country at large, as well as other countries laid stress upon, were the alarming practical demonstrations made by Russia in her inroads into Turkey, and all her subsequent proceedings. The Motion was not to be considered as a case of mere curiosity, or a desire to pry into the unimportant details of Ministerial policy; it was a case in which the House, as the Representatives of a people most particularly anxious on the point, were not only entitled, but were imperatively called upon, to have a clear explanation of the course of policy acted upon by the Government, and the grounds on which that policy had been adopted: the question was one of the highest importance and interest to all Europe, and ought to be clearly understood in all its bearings. As far as the people at present understood of the policy of Government in this particular, that policy was disapproved of, and it was therefore desirable that Ministers, in their own vindication, should explain themselves. It might possibly appear that the noble Lord (Viscount Palmerston) had been overreached by the deep diplomacy of the Russian court; but at present he was generally blamed for not having followed one of two courses—either that of leaving the Sultan and the Pacha to settle their disputes by themselves, by abstaining from interference between them, and preventing other Powers from interfering; or that of interfering in the open, decided, and influential manner which became the power and dignity of the British empire. Neither of these courses had been pursued, and the country was therefore very naturally anxious and entitled to have an explanation of the matter.

Viscount *Palmerston*, in replying to the speech of the hon. and learned member for Tipperary, did certainly not mean to complain of the manner in which he had brought this subject before the House; because nothing could be more good-humoured. The hon. and learned Member said, that as the House had got through most of the Estimates, and as there was nothing particular to do before the Easter recess, they might as well amuse themselves by talking a little about foreign affairs; and, therefore, if the House would listen to him, he would make (as the hon. and learned Member certainly did) an eloquent and very entertaining speech about Russia and Turkey, and all the other Powers interested in the transactions that had lately taken place between those two countries. The hon. and learned Gentleman stated that, in moving for these papers, he intended to throw no blame upon his Majesty's Ministers; but nevertheless, he should not feel it consistent with his duty to agree to the Motion—not even to that part of it which called for the Convention of July, and which was not included in the original notice, but which the hon. and learned Gentleman had since added; because he felt, and he was sure the House would admit the force of the observation, that if the state of the transactions to which the Motion related, were such as to make it consistent with the public service that the treaty for which the hon. and learned Gentleman called should be laid before Parliament, it would also be proper and consistent that other papers should be produced at the same time, for the purpose of explaining the transactions which gave rise to the treaty, and the bearing and effect of that treaty upon all the parties interested. But, in the present state of these transactions, he felt that it would not be consistent with the interests of the public service to lay those papers before the House. When a Minister stated that upon his responsibility, he required from the House that it would place confidence in him, and would not press for the production of papers which he, in the exercise of his judgment, thought it necessary to withhold. He fully admitted, that to resist the production of papers upon a subject of this kind, was to appeal, in a strong and pointed manner, to the confidence of the House; but, upon the present occasion, he hoped that the House would refuse to accede to the Motion. The hon. and learned Gentleman had not laid any sufficiently strong parliamentary grounds upon which to induce the House to concur in it. A Gentleman who, upon occasions like the present, moved for the production of papers, ought to show that there was a strong *prima facie* case of blame resting upon the Government; and that, for the vindication of the honour and dignity of the country, it was necessary that the papers moved for should be produced. He had listened with great attention to the hon. and learned Gentleman's speech, but he confessed, that he could scarcely perceive any points upon which the hon. and learned Member even attempted to throw on the Government any degree of blame for the course it had pursued. The hon. and learned Member laid most stress upon the refusal of the British Government to give to the Sultan that aid which was asked for towards the close of the year 1832. Upon that point it would be very easy to satisfy the House that no blame was imputable to the Government. The transactions between Mehemet Ali and the Sultan commenced, as the hon. and learned Gentleman had stated, in October, 1831; and, as the hon. and learned Gentleman had also very correctly stated, the decisive action between the troops at Koniah did not take place till December, 1832. Now, it was not usual for this country to be ready to interfere in contests between sovereigns and their subjects; and, although the Pacha of Egypt was unquestionably a very powerful subject, approaching, in many respects, to the situation of an independent ruler of a country, yet he was the subject of the Sultan, and, as such, must be considered by the Government of this country. The very circumstances which the hon. and learned Gentleman alluded to, namely, the early period at which the contest began, and the length of its duration, proved that, till near its conclusion, it did not assume a character so different from that of the usual contests between the governors of provinces and the Sultan, as to lead to the supposition that the result would be very different from the usual results of those contests. The whole history of the Turkish Empire was full of successive revolts of powerful vassals against the Sultan—sometimes with success at the first on the one side—sometimes on the other; but almost invariably ending in the reassertion of the authority of the Sultan. It, therefore, would have required some strong reason to have induced the Government of England to interfere, by force of arms, in the contest between the Sultan and his rebellious subject, the Pacha of Egypt. Assistance was at length asked by the Porte in November, 1832, but the decisive battle of Koniah took place so soon afterwords, namely, in December following, that, from want of time, no interference could have been exercised, on the part of this country, early enough to have prevented that catastrophe. [Mr. *Sheil:* Assistance was asked in October, 1832.] Not till the 3rd of November. M. Maurojeni, the first official bearer of the application of the Sultan, did not arrive in London till the 3rd of November, 1832. Even if the British Government had been prepared, at that moment, to despatch a fleet to succour the Sultan, and obviously a naval force was the only one which this country could send, it would not have arrived in time to have prevented the decisive battle of Koniah. But the House would recollect, that we were then engaged in other operations, which occupied the whole of our naval force on the peace establishment. Some hon. Members who did not approve of the proceedings against Holland, might say, that they were no satisfactory reason why we had not a fleet in the Mediterranean. But he considered it sufficient to say, that a naval force was required for the operations in relation to Holland, and that another part of our fleet was engaged in the Tagus; and, unless Ministers had asked Parliament for additional supplies, to send a third squadron to the Mediterranean, it would not have been possible to have found, at that time, a sufficient number of ships for that service. But, although his Majesty's Government did not comply with that demand of the Sultan for naval assistance, yet the moral assistance of England was afforded; and the communications made by the British Government to the Pacha of Egypt, and to Ibrahim Pacha, commanding in Asia Minor, did materially contribute to bring about that arrangement between the Sultan and the Pacha, by which the war was terminated. The House must not suppose, therefore, because the British Government did not yield that particular kind of assistance which the Turkish Government required, that it remained an indifferent spectator of the danger to which the throne of the Sultan was exposed, and took no steps to bring about a pacification between the Sultan and his vassal. If he understood the argument of the hon. and learned Gentleman, he said, that because Great Britain did not grant any assistance, the Sultan was compelled to have recourse to Russia for aid, and that we had no right to complain of Russia for having enabled the Sultan to save himself from the danger with which he was threatened. Great Britain never complained of Russia granting that assistance. He had stated, on a former occasion, when he was interrogated on that point, that Great Britain did not complain of the assistance which Russia had afforded to Turkey, but, on the contrary, was glad that Turkey had been able to obtain effectual relief from any quarter; and he had stated, that our Government reposed perfect confidence in the assurances it had received from the Russian Government, that when the force so sent had effected the object for which it was despatched—namely, the defence of the Sultan and his capital—it would retire to the Russian dominions. In that confidence Ministers were not deceived; that force did retire; and, therefore, not only were they justified in not remonstrating against the aid given by Russia to Turkey, but they were fully borne out in their belief, that when that defence had been effected, the troops so sent would be withdrawn. The hon. and learned Gentleman said, that from the year 1831 down to the month of May, 1833, there was no British Ambassador resident at Constantinople. The hon. and learned Gentleman was entirely mistaken. Sir Stratford Canning went to Constantinople in the beginning of the year 1832; he went on a special mission to make an arrangement for obtaining an improved frontier for Greece. In that mission he succeeded; he obtained for Greece a most excellent frontier on the continental side, and having conluded that negotiation at the end of August, he quitted Constantinople in the beginning of September, 1832. From the early part of the year 1832, therefore, up to the beginning of September in that year, a British Ambassador was at Constantinople. As soon as Sir Stratford Canning had left Constantinople, or very soon afterwards, Lord Ponsonby, who was then Minister at Naples, was appointed to succeed him at Constantinople. The notification reached him in November, and the only circumstances which prevented him getting to Constantinople until the end of May, were the difficulties experienced in making the necessary arrangements for his conveyance, and the unfavourable state of the weather. Lord Ponsonby, moreover as Ambassador at Naples, was there engaged in transactions of considerable importance; but, if the hon. and learned Gentleman thought, that because Lord Ponsonby was at Naples, therefore the country was wholly unrepresented at Constantinople, he was mistaken. We had there a Secretary of Embassy; and he could assure the hon. and learned Gentleman and the House, that British interests did not suffer in any degree, in consequence of there being no person at Constantinople during that period, bearing the rank of Ambassador. The hon. and learned Gentleman had failed, therefore, to establish any ground of complaint against the Government for not having given the Sultan that naval assistance which was asked for in the beginning of November. Even if the fleet had been sent—if it had sailed from the ports of England immediately—that fleet could not have arrived before the battle of Koniah, nor could it by its presence have prevented that battle. [Mr. *Sheil*: The battle was in July.] The battle of Homs was in July; but the application did not arrive until the November following. Surely, the hon. and learned Gentleman would not argue, that by complying with the request made in November, we could have prevented the occurrence of an event which took place in the preceding July? The hon. and learned Gentleman afterwards proceeded to the treaty which was concluded at about the time when the Russian troops retired from Constantinople. [Mr. *Sheil*: The Treaty of the 8th of July.] Yes; the Treaty of the 8th July. When questions were put to him relative to that Treaty, in the months of July and August of last year, he had no official knowledge of it, because it was not communicated by either of the parties until after it was ratified; and the ratification was not to take place until two months after its signature. The hon. and learned Gentleman would therefore see that it was perfectly impossible that a treaty not to be ratified at Constantinople until the month of September could be officially known to him in August. The hon. and learned Gentleman had inquired whether the British Government approved of that treaty, or looked upon it with satisfaction? Certainly it did neither; because that treaty, even on the first glance, wore the semblance of being intended to give Russia some advantages with respect to Turkey, which she did not possess before, and which were not to be enjoyed by the other Powers of Europe. But he was bound to say, that the explanations which had since been given of what were apparently the most objectionable parts of that treaty—the explanations given by both parties concerned—had tended, in some degree, to alter the impression which the announcement of that treaty necessarily produced upon the Government; and which it appeared to have produced also upon the mind of the hon. and learned Gentleman—especially with regard to the bearing of the articles of that treaty upon the navigation of the Dardanelles. The hon. and learned Gentleman quoted the Treaty of 1809; the eleventh article of that treaty was to this effect:—"That whereas it is the ancient custom of the Turkish empire,"—not the law of Europe, as the hon. and learned Gentleman quoted the passage,—"that in time of peace,"—that is, when the Turk is at peace,—"no ships of war shall be allowed to pass the straits between the Black Sea and the Mediterranean; and whereas it is the intention of the Porte strictly to cause that custom to be observed in future, Great Britain declares that she will, in future, conform strictly to that usage and regulation." According to the Treaty of 1809, therefore, British ships of war had no right, in time of peace, to pass the straits between the Mediterranean and the Black Sea, without a special permission from the Sultan. Undoubtedly, on the first appearance of the Treaty of July last, it did seem that, under the circumstances in which that treaty was to take effect, a difference was established between the ships of war of Russia and those of other Powers, with respect to the passage of the Dardanelles. But the Government had been assured by both the contracting parties, that their understanding of that treaty was different, and that the war-flag of Russia was placed on exactly the same footing as that of any other country with regard to the passage of the Dardanelles, even should the *casus fœderis* contemplated in the separate article arise,—the case, namely, of Russia being at war, and Turkey remaining at peace with this country,—both parties declare and agree, that in that case the treaty would not give the Russian ships of war any power or privilege of passing through the Dardanelles, other than those conceded to the ships of war of any other nation.

Mr. *Sheil*, interrupting the noble Viscount said, if Great Britain were at war with Russia, then, by virtue of the treaty, her ships would be excluded from the Dardanelles. By the treaty of 1809, as he understood it, a right was given to all merchant vessels to enter the Dardanelles. He conceived the effect of the Treaty of the 8th of July, was this:—if England were at war with Russia, and not with Turkey, then Russia would have a right to close the Dardanelles upon our merchant ships, by virtue of the treaty. Was that so?

Viscount *Palmerston* continued: The Treaty of July related solely to ships of war. By the Treaty of 1809, England bound herself, that so long as Turkey was at peace, British ships of war should not assume the privilege of passing up and down these straits, except on special permission in particular cases. By the Treaty of July no difference was made between the ships of war of Russia, and those of England, in the event of those two countries being at war. By the Treaty of 1809 it was declared, that the ancient usage of the Turkish Empire being to close the straits against the ships of war of all Powers, they were to be closed equally against those of Russia, which might wish to come out, and those of other Powers which might wish to pass up.

Mr. *Sheil*: The treaty was offensive and defensive. By the Treaty of the 8th of July, Turkey was bound to assist Russia. Then, if England was at war with Russia, Turkey must exclude our ships from the Dardanelles. Was not that the interpretation of the treaty?

Viscount *Palmerston*: The treaty did not apply to merchant vessels at all. The words, specifically, were "ships of war," not merchant ships. At the same time, he did not mean to say, that under its provisions merchant vessels might not, in effect, be practically excluded from the Black Sea. He did not mean to say, that that treaty had been viewed by the Government with satisfaction; or that it was a treaty with reference to which the British Government had not expressed its dissatisfaction;—but he must say, that the assurances and explanations which it had received from the contracting parties to that treaty greatly tended to remove its objections. Although it was a treaty to which the Government of this country would do well to direct its watchful attention, still he was inclined to think, that, if this country pursued that course which alone was consistent with its dignity—if it acted with firmness and with temper—if it showed no unnecessary distrust, and at the same time reposed no undue confidence—he was inclined to think, that the case might not arise in which that treaty would be called into operation; and that therefore it would, in practice, remain a dead letter. If the hon. and learned Gentleman called for all the communications that might have passed between the English Government and the governments of Russia and Turkey, with reference to that treaty, he was bound to say, that it would not be for the interests of the public service to produce that correspondence at the present moment; moreover, he did not think it would at all tend to forward that object which he was sure the hon. and learned Gentleman had at heart,—the maintenance of peace, so long as peace could be maintained consistently with the interests and dignity of this country; and the hon. Member was, he was sure, of opinion that the independence of the Turkish empire essentially and directly concerned the interests of this country; when the hon. and learned Gentleman said, he should like to know what had been the language of England towards Russia, and of Russia towards England, he was sorry that it was inconsistent with his public duty to gratify the curiosity of the hon. and learned Member. He could only assure the hon. and learned Member this, that the language of England towards Russia—as he trusted it had been towards every Power with whom we preserved diplomatic relations—had been such as was consistent with our dignity and good faith; and, with respect to the language of Russia, it was, on all occasions the duty of the English Government to look rather to the acts of a foreign Power, than to the language which that Power might hold on any particular subject or occasion. The hon. and learned Gentleman said, that he did not imagine he (Viscount Palmerston) should acquiesce in all his observations, in the same manner as the Duke de Broglie had acquiesced in everything said by M. Bignon. The hon. and learned Gentleman was under a mistake with respect to the transactions to which he alluded—a mistake not in itself unimportant, and which, considering the present intimate relations which subsisted between the French and English Governments, it was very desirable that he should be set right. The speech of M. Bignon, to which the hon.

and learned Gentleman adverted, consisted of two entirely separate and distinct parts: one was the Report which he made as chairman to the Committee to which the address had been referred; and the other was a statement of his own opinions—as a member of the French Chamber, on the general state of the affairs of Poland, and of the other countries of Europe. The acquiescence of the Duke de Broglie was specifically confined to the first part of that speech, in which M. Bignon spoke as chairman of the Committee; it was not extended to that portion of his address in which M. Bignon expressed his own sentiments as a member of the French Chamber. This was the explanation which the Duke de Broglie gave on a subsequent occasion; and, if any hon. Member would look to what then took place, bearing in mind the distinction which he had pointed out, he could not fail to see, that the implied censure of the hon. and learned Gentleman was not borne out by facts. The relations at present subsisting between England and France were, as the hon. and learned Gentleman said, more intimate, more confidential, and more friendly than, he believed, they ever were at any former period of our history. He hailed this as a matter of satisfaction; for it was a proud thing that these two countries had divested themselves of those feelings of jealousy and enmity, which for so long a period impeded the advancement, and interfered with the best interests of both. They had now cemented a friendship—of some years' duration—which had only grown stronger, and more lasting in proportion as the two governments had become better acquainted with each other. This was matter of pride and of satisfaction, because it proved that mutual friendship was founded on mutual honour and good faith. It was obvious that such a union could not exist longer than was consistent with the interests of both countries; but when two such States were bound together by the ties of interest, and the bonds of integrity, confidence, and honour, the House might well consider, that they must form in Europe a power of no mean importance. From the very constitution of both, that power could not be exercised, except for the general benefit of society; and their union, therefore, so far from being an object of jealousy to any other Power, ought, on the contrary, to inspire Europe with increased confidence in the maintenance of peace, and in the promotion of the happiness and prosperity of all other nations. The hon. and learned Gentleman would, he was sure, excuse him for not exactly stating why the British fleet went to the Dardanelles, why from thence to Smyrna, what it did when there, and why it returned from Smyrna to Malta. He could assure the hon. and learned Gentleman it was sent to the Dardanelles for good reasons, that it went to Smyrna for equally good reasons; and that it was for good reasons, but for British reasons only, that it was sent back from Smyrna to Malta. The hon. and learned Gentleman said, that the Ministers ought to consent to the production of the papers for which he had moved, because they produced certain papers connected with the Treaty of the 15th of November, 1831. But why were those papers produced? Because the King of England had entered into a treaty which had necessarily been laid before Parliament, and those papers were presented as being explanatory of that treaty. In the present case, however, England had been a party to no treaty whatever; there had been a treaty signed by other Powers, and that treaty had been made known to us, in the ordinary course of diplomatic communications. Parliament had always hitherto been accustomed to place, and he trusted it would continue to place, sufficient confidence in the Ministers of the day, to believe them when they stated, that the circumstances of the moment rendered it inexpedient that certain communications should be laid before the House. On these grounds he objected to the Motion of the hon. and learned Gentleman. For the reasons which induced him to decline acceding to the production of these papers, he was not desirous of entering into any minute discussion of the transactions to which the Motion referred. Communications were still carrying on with respect to these matters; the discussions, if he might so call them, were not yet completed; and it was contrary to the practice of Parliament to compel the Government to produce correspondence, pending a negotiation in which the interests of the country were materially involved. If the hon. and learned Gentleman wished to render it impossible for these negotiations to lead to any satisfactory result, there was no better mode of attaining his object, than calling upon the Government for the production of an imperfect and unfinished correspondence. If, on the other hand, the hon. and learned Gentleman wished to attain the same objects as the Ministers had in view; if he wished to assert the dignity of this country, and to uphold its interests, but at the same time to preserve peace so long as peace could be maintained, he would not press this Motion. If he understood the hon. and learned Gentleman, he was prepared to consent to giving his Majesty's Government additional means of asserting the dignity, and of protecting the interests, of this country, if those ends could not be attained by negotiation. Let the hon. and learned Gentleman reserve those means until the time when the Government called upon him and the House to give them; — do not let him force prematurely upon the Ministers what they did not call for. They hoped and trusted that peace would be preserved; but it could be preserved only by the House reposing confidence in the Government. So long as Parliament should think that Ministers were fit to administer the affairs of this country, Parliament was bound to repose confidence in them with regard to our foreign relations. If Parliament thought that the interests of this country could not safely be confided to such keeping—if, in the present case, they were not willing to trust Ministers with the maintenance of the honour of the country, without calling upon them, from day to day, to come down to the House, and produce their last despatches, for the purpose of enabling the House to judge whether the answers to those despatches were right or wrong—if such were the opinion of the House, let the House declare it, and let his Majesty's Ministers retire; but so long as the House thought the Government fit to be intrusted with the affairs of the country, so long would the House agree with him, that it was improper to force them to produce a diplomatic correspondence, the production of which, in their opinion, would be detrimental to the interests of the country. For those reasons he objected to the production of the papers moved for by the hon. and learned Gentleman; and although Ministers had received an official communication relative to the treaty to which the hon. Member had referred, yet, in the present state of the correspondence, the same objections apply to the production of the treaty, as exist to the production of the correspondence arising out of it; and he was, consequently, not at present prepared to agree to the production either of the one or of the other.

Colonel *Davies* said, he was not going to enter upon the question whether Ministers had conducted our foreign relations well or ill; but he would ask whether there was any more important consideration in our foreign polity than the preservation of the due balance of power in the east of Europe? It was the duty of every prudent Ministry to watch the rapid growth which had for years been increasing, of the colossal power of Russia. Ever since the days of Catherine all the acts of chicane and subtle diplomacy had been directed to this darling object of grasping ambition. It was humiliating to reflect how this country had been outwitted by Russia in 1828, when a vote of thanks was proposed in that House, by Sir John Hobhouse, on account of the battle of Navarino. Then the Treaty of July, characterised as the salvation of the Turkish empire, and of the peace of Europe. And yet within two months, the Russian army was marching into the very heart of the Ottoman empire. He looked upon the blocking up of the Dardanelles less in an individual light, than as it formed a part of the system of Russian policy, which he generally deprecated.

Colonel *Evans* said, that even if there had been no other ground for the Motion than the notoriety of the case which his hon. and learned friend had stated, that in itself was sufficient. It was impossible, under the known circumstances, not to conclude that a most material change had occurred in the relative position of the Powers of Europe, and, that in itself formed a *primâ facie* case, justifying a Motion for demanding information. The noble Lord had said, that it had been impossible for England to stop the onward march of the Pacha of Egypt. But, even admitting all the statements of the noble Lord to be perfectly accurate upon that point, they formed no ground why, at a future period, some more decisive step should not have been taken. The speech of the noble Lord appeared to him the most unsatisfactory that he had ever heard from him. It was perfectly true that the noble Lord had gone into a variety of dates, and into much statement, in order to show, that the Government had not the means of interfering; and yet, when any hon. Member of that House complained of the extent of the military and maritime establishments, and wished for a reduction in the Estimates, they were told to look at the lowering and unsettled state of the Continent. Of course that reason might be a very good one for maintaining a large military establishment; but, at all events, the House ought not to expect also to be told, when an emergency arose, that the Government was unable to act from the want of means. Nor could he understand how any such reason could with justice be given. It was, indeed, quite evident, that with anything like judicious conduct, France and England, in close alliance, must possess sufficient means at their command to take a decided and effectual course in such a matter. He therefore attached very little importance to the dates gone into by the noble Lord; and, without having any desire to censure the conduct of Government, he felt it to be desirable for the House to indicate the necessity of a more decided course of policy being pursued upon any future occasion. The real question was, what was the alteration which had taken place in the position of Turkey as an independent Power? That that was a question of the deepest interest to this country, it was impossible for any one to doubt. The late Government and the present Government had both acknowledged, and declared, indeed, that they considered the maintenance of the integrity of Turkey as essential to the preservation of the peace of Europe and the interests of England. Such being the case, he felt deeply indebted to his hon. and learned friend, for bringing the question before the House. Certainly, it appeared to him, and he thought it an undeniable fact, that Turkey was reduced very low by recent events. On the one hand, the Pacha of Egypt had conquered from the Porte a large tract of territory; and on the other hand, Russia, on the invitation of the Porte, had occupied Constantinople for the preservation of Turkey. These two things were amply sufficient of themselves, supposing no treaty whatever had followed, to place Turkey in a very different position from that which she had before occupied. But when the Treaty of July came to be considered, the case was still more palpable. He was extremely glad to find, that the Treaty of July was disapproved of by the noble Lord, and that the noble Lord had expressed himself strongly to that effect; but, he found in that expression a full justification for the Motion of his hon. and learned friend. He understood that treaty to be merely offensive and defensive, and, if that view were correct, it would have the effect of placing England, with respect to Turkey, in case of war with Russia, in an entirely new position. Before that treaty, in case of a war with Russia, the Dardanelles were open to a British fleet, but under that treaty, the Dardanelles were barred, and the Russian ports in the Black Sea were secure against a British fleet. That was a most serious and injurious change. But if the French Minister was correct, it was a change that could not be permitted. According to the declaration of the Minister of France, the Treaty of July between Russia and the Porte, was in direct opposition to the laws of Europe, and was inimical to the maintenance of the peace of Europe. Information ought decidedly to be given on that point, in order that the House might judge of the actual position in which the question stood. He did not mean to say, that he had not confidence in his Majesty's Government, but he was anxious to see the acknowledged policy of the Government supported by a strong expression on the part of that House. He wished to see that House come to such a vote as should induce the Government to take a sterner tone than that which it had hitherto taken, in speaking to Russia. He wished to see the Government, as Turkey had fallen, rely on other means to check the growing power of Russia. A new, active, increasing, and vigorous Power had appeared, and the Government would not do its duty, if it did not raise up the Pacha of Egypt as a counterpoise against Russia in that quarter of the world. The present condition of affairs in the East was most injurious; it had not the advantage of either peace or war. An expensive squadron was kept afloat, and yet that squadron was not efficient for the purposes of active operation. It would be better for France and England at once to adopt a vigorous course of proceeding, and sustain the balance that was essential to the peace of Europe. He hoped that, under these circumstances, his hon. and learned friend would not press his Motion to a division, as the noble Lord had felt it his duty to refuse the information; and be satisfied by knowing that the Motion and the discussions must lead to beneficial effects.

Sir *Robert Peel* said, that the noble Lord, the Secretary for Foreign Affairs, would have made a speech much more satisfactory to his mind, if the noble Lord had said, that acting on his own responsibility as a Minister of the Crown, he had thought it his duty to refuse the papers called for, without assigning any other reason for that refusal than, that in his opinion their production would be injurious to the public service. He wished the noble Lord had acted upon the principle of the advice once given by Lord Mansfield to a military governor of one of our West-India Islands, who had to pronounce his judgment on some cases in his character of Chancellor of the Colony—"Give your decision," said the noble Lord, "but by no means trust yourself with explaining the reasons on which your decision is founded." If the noble Lord had taken that advice, and had abstained from giving his reasons for refusing the papers called for by the hon. and learned Member, he would have done much better than by making a speech. The noble Lord had complimented the hon. and learned Gentleman's speech as eloquent, ingenious, and humorous; there was yet another epithet, that he might have bestowed upon it, for he might have called it an unanswered speech. Whether it was unanswerable or not he would not pretend to decide, but certainly it was left unanswered. The noble Lord said, it was not fair to call upon his Majesty's Government to give the House information on these pending negotiations, and produce the last despatch, to see if it were properly answered. But what had been the course taken by the House? Had it pressed for information? He must say, that never had any representative body been left more in the dark than that House on foreign affairs, and never did one show more forbearance. Why, was it not notorious, that the knowledge, imperfect as it was, which we had obtained of these important matters had been gleaned from debates in the French Chamber of Deputies, and from extracts from foreign newspapers? Was this a state in which to leave the representatives of the people of this country on matters in which the country was so deeply interested? He would come to the reasons on which the noble Lord had grounded his refusal, and, certainly, he must say, that though he might not, under some circumstances, feel disposed to withhold his assent from the noble Lord's refusal, had he assigned no reason for it beyond the fact, that he did not think it right to grant them; yet when he examined the reasons assigned by the noble Lord, he could, by no means, concur with him, that they were such as would justify the course he had taken. The noble Lord said, first, that in matters which were still pending, it would not be fair to Ministers to call upon them to produce a copy of their last despatches; but, he would ask, was that a correct view of the case as it stood? Were they to wait for the required information till the whole affair should be finally settled? But if that were to be so, how long might they not have to wait before they could form their opinion as to what was going forward! The second objection of the noble Lord was, that such information could not be called for by the House without casting blame on Ministers. This he must beg leave to deny. The Government called on the House to vote the Estimates for our military and maritime force: those Estimates had been already in great part voted, and, surely, it was not unreasonable to say, that the House might ask for some explanation as to our relations with other states, and the relations existing between some of those states, as they might affect us, without meaning thereby to cast any blame on the Government. Could any intention to cast such blame be fairly implied from the very natural desire of that House to know how this country was situated with respect to the chance of that to us most important subject, a foreign European war? The noble Lord maintained, that no papers ought to be given, because negotiations were still in progress. But the noble Lord, surely, could not support that principle. Were the affairs of Holland and Belgium yet settled? And if they were not, what became of the rule, that no papers should be produced till the negotiations were at an end? [Viscount *Palmerston:* A treaty had been concluded in that case.] Yes, but had that treaty led to the final settlement of the question between those two states? And would the noble Lord say, or had he said, that the House should have no papers on that subject until the whole matter should be finally arranged? Were the affairs of Portugal yet settled, or had there been any treaty signed in that case? And yet the noble Lord had not felt it his duty to withhold ample explanations, verbal and documentary. Did that, however, imply any degree of blame on the Government? No, it only showed, that when affairs affecting our relations with other States were trembling in the balance, the representatives of the people should know the exact situation in which the country stood. The noble Lord's third argument was one which, in his opinion, went far to destroy the validity of the two preceding. It was, that explanations had been already made to the Government, which had abated the fears entertained as to the objects of Russia. Why, if that were the case, should the knowledge of such gratifying information be withheld from that House? For see the situation in which that House was placed. It was in possession, no matter how, of the knowledge, that a certain treaty, injurious to England, had been formed between Russia and the Porte; upon that treaty the hon. and learned Member had ventured to put a certain construction; and then, said the noble Lord, "Oh, you are mistaken; the treaty, as appears by an explanation which the Government had had with Russia, is not of the character you assign to it." But what was the character of the treaty the noble Lord did not explain. Surely, if anything could tend to increase the probabilities of peace, a point so heartily to be desired, it would be a knowledge of that explanation which had so happily removed the anxiety and apprehension of his Majesty's Government. As the matter stood, the House had merely a knowledge of the measure which had excited the dissatisfaction and alarms of the noble Lord, and it was left to guess at the character of the satisfactory and soothing explanation. Surely, if the explanations were so satisfactory as to induce the noble Lord to dismiss from his mind all fear and apprehension as to the ultimate intentions of Russia, he must see, that it was his duty, as well in point of policy, as in point of form, to produce them. But then the noble Lord had a fourth reason against granting the information moved for. The noble Lord said, they were to attend to the acts of foreign Powers, and not to their treaties. That was a novel doctrine. [Viscount *Palmerston* had not said, their treaties, but their language.] Well, their language. Now, that might be a very good reason why the angry correspondence should be withheld; but surely it was none why all knowledge of the peace-making explanation should be refused. If the House knew nothing of the treaty which had excited the anxiety and apprehension of his Majesty's Government, and an explanation had occurred with Russia which had allayed that anxiety and apprehension, he would readily admit, that the treaty, the offensive document, ought not to be forthcoming. He would say, "Do not rake up the dying embers of a disagreement which, however much it did threaten, now no longer exists." But the present case was certainly the reverse. The House knew of the exciting cause; and it was to be left to rankle, although an explanation had occurred which ought to render it innoxious. "But then," said the noble Lord, "I think it very likely, that the Treaty of July may never come into operation." Why, the same might be said of almost any offensive and defensive treaty. The noble Lord said, that a *casus fœderis* might arise, and certainly one might never arise; but if one did arise—if by any circumstances England should be at war with Russia—would not the Dardanelles, under this treaty, be closed against England? The treaty was not made to operate in peace, but in case of war; and if war should arise, why then the noble Lord would, doubtless, come forward in that House, and state, that the Dardanelles were closed, and that he (the noble Lord) had proved a false prophet. Such were the reasons which the noble Lord had given for refusing the information moved for by the hon. and learned Member. How far they were satisfactory it would be for the House to judge; but certainly to him they bore a different character from that intended by the noble Lord. At the same time, though the reasons were so futile, as the noble Lord, on his responsibility as a Minister, had stated to the House, that the information desired could not be granted without prejudice to the public service, he would concede to the Minister that which he could not give up to the orator. He might think the noble Lord a very inconclusive reasoner, but he would show that respect to his dictum as Minister, which he must withhold from his logic. What were the merits of the question before the House? What had been the real conduct of Russia with respect to interference for the preservation of Turkey? Upon that point the character of all subsequent proceedings depended. The noble Lord had declared, that he, as a Minister of the Crown, rejoiced that Russia had replied as that Power had done to the application of the Porte for assistance. The first declaration being made, it was useless for the noble Lord to complain of the consequences of Russian interposition. If the position of Europe were such, that in order to protect the independence and integrity of the Turkish empire, no other assistance could be given but that which Russia could afford, and if the noble Lord rejoiced that Russia was able to afford it, he might lament the virtual destruction of Turkish independence, but he had no right to accuse Russia as the cause of it. For they might depend upon it, from the relative position in which Russia and Turkey stood towards each other,—after the recent war between those two Powers—after the condition to which Turkey was reduced by that war—after the long jealousy that had prevailed between the two countries—that the occupation of Constantinople by Russian troops, even for a friendly object, sealed the fate of Turkey as an independent Power. Russia might withdraw her troops, as she had withdrawn them, in punctual fulfilment of her promises; our Government might have perfect confidence in all the declarations of Russia; yet the fact of her having occupied Constantinople, even for the purpose of saving it, was as decisive a blow to Turkish independence, as if the flag of Russia now waved on the seraglio. But, said the noble Lord, the Government could not take any step for the preservation of Turkey; it did not receive any formal application from the Porte for assistance until the August or September; and a great battle was won by Ibrahim Pacha in July. What! were then his Majesty's Government so ignorant of what was passing in the Levant, that they must wait for a formal application from the Porte, before tendering her either advice or assistance? When the noble Lord saw an ally of England falling into such great difficulties, and the maintenance of the independence of that ally was of such vast importance, was it necessary for the noble Lord to have a certificate delivered in due form by an ambassador, before he could go to her assistance? No, no, that was not the reason. The noble Lord had given the true reason why no step was taken for the defence of Turkey. All the disposable fleet, the noble Lord said, was occupied: but how occupied? In blockading the Tagus and the Scheldt. That was why assistance could not be given to Turkey, and that was what had made the noble Lord rejoice at the succour afforded to the Porte by Russia. The fleets of England were enforcing the blockade of our allies the Dutch, and maintaining neutrality—they of course practised non-interference—with our allies, the Portuguese, in the Tagus; and, therefore, the noble Lord was thankful to Russia for rescuing Turkey. That being the case, all the rest of the conduct of Russia was natural, and, indeed, almost necessary. The indemnity taken by Russia was moderate, and in accordance with reason, and not to be complained of with justice by the noble Lord. To crown the whole, when the crisis of the fate of the independence of Turkey had arrived, there was no British Ambassador at Constantinople. True there was one charged by his Majesty to fill that office, and to protect the interests of England with the Porte; but winds were unfavourable, and bound him to the port of Naples. Although there was a British man-of-war in waiting, yet such had been the difficulties or the dangers to overcome, that the Ambassador of his Majesty was six months in making his way to Constantinople. Such was the frightful danger of those terrific seas, and of that inhospitable climate, that though the very crisis of the fate of Turkey had arrived, still a British Ambassador, with a British man-of-war waiting his command, could not dare the dangers of the deep. In other times, indeed, far different scenes had been recorded—

> "Otium Divos rogat in patenti
> Prensus Ægæo, simul atra nubes
> Condidit Lunam, neque certa fulgent
> Sidera nautis."

In the present case, however, the British Ambassador appeared to have prayed for the *otium*, before he encountered the danger. It might have been expected, that, since the days of Horace, the art of navigation had so far advanced, that it would have been possible for a British

Ambassador, on board a British man-of-war, in the extreme crisis, in the agony of a friendly empire to which that Ambassador was deputed, to have braved the risk, and made the extraordinary attempt to reach Constantinople, even in the winter. But, after all, the noble Lord had a triumphant answer to all objections. "There exists," says the noble Lord, "the closest alliance between England and France." He could but remark, that whenever the noble Lord was thrown into any difficulty as to any part of our foreign European policy, he at once found a ready means of escape, by congratulating the House upon the close alliance which existed between this country and France. Doubtless, a friendly alliance with France was extremely desirable; but why was it always, upon all occasions, to be adverted to as a compensation for the loss of all other alliances? He was not aware, that the noble Lord would have thought it necessary to introduce any reference to the declarations of the French Ministers in the Chamber of Deputies, when discussing the Treaties between Russia and the Porte. He should have thought, that the noble Lord would rather have discountenanced any allusion to foreign debates, and more especially to those marvellous contradictions of the Duc de Broglie, which astounded all Europe. But as he did not think the practice of either attacking or vindicating the ministers of another country for speeches delivered by them, was a practice to be encouraged, he should abstain from all further allusion to the matter. There might, however, be a peculiar reason in this case, for the allusion of the noble Lord to our intimate alliance with France. It was, probably, because that alliance was so intimate, that French example and French policy have controlled our proceedings with respect to Turkish independence. That might be, and most probably was, the real explanation of the course which the British Government had taken. How could France, with justice or honour, hold a high tone towards Russia with respect to the interference of Russia with Turkey? Was it not—he would not say a notorious fact—but was it not the universal impression in all Europe—that Ibrahim Pacha was acting against the Sultan on a secret understanding with France? Was it not the impression of all Europe, that the army of Ibrahim was, in all the principal departments, officered and directed by French officers acting with the consent of France? Was that true, or was it not? He did not mean to say, that there was a formal and recognised alliance between Ibrahim and France, but that France was sanctioning and encouraging the acts of Ibrahim, by means as efficacious as if such an alliance had existed. If that were so, and if England felt herself so bound by her intimate alliance with France, that her hands were tied up—that she was compelled to connive, at least, at an aggression upon Turkey, which France had directly encouraged—then we see in these circumstances reasons for the forbearance of England better—or at least more intelligible—than any that the noble Lord had stated. Could France refuse to Russia the right of occupying the dominions of the Porte after the course which she herself had taken with regard to Algiers? Did not France intend, without reference to England, or to Russia, or to the Porte, to take permanent occupation of Algiers? If France did intend that, contrary to the solemn declaration made by her sovereign, Louis Philippe, on his accession to the throne—if she did intend to appropriate to herself a possession of the Porte, which, though virtually independent, still acknowledged the superiority and sovereignty of the Porte,—and if France had also, either directly or indirectly, encouraged the Pacha in his attack on Turkey,—then Russia had a right to reject the remonstrances of France, and to protect Turkey in spite of France. If, too, Great Britain, was so intimately bound by her boasted alliance with France, as to be forced to support the policy of France, then, though the Ministers did not avow it, he could understand why they were forced to leave to Russia the task of protecting Turkey from the irruption of Ibrahim. These were the grounds upon which, he thought, that we might have expected, and might have foreseen, from the interference of Russia, those consequences which had since ensued. Whether the treaties entered into were pregnant with future danger to this country or not, was a matter he should reserve for future discussion, if an opportunity was afforded him. For the present, he claimed the right to know what were our relations with Russia,—what were our relations with Turkey,—

what were the treaties which had been entered into between those two Powers which at first gave rise to serious apprehensions on the part of this country,—which apprehensions, the noble Lord said, had been removed by subsequent explanations? This constituted a body of information which the Representatives of the people of England, in the present state of foreign affairs, had a right to require, and which the British Government ought to give by a formal and authorized communication to Parliament, instead of leaving the House of Commons entirely in the dark, or, at least, with no other means of acquiring knowledge, than those which might be imperfectly supplied by foreign newspapers, or the debates in foreign Chambers.

Mr. Secretary *Stanley* said, the right hon. Baronet, while he had professed in the course of his speech an earnest desire that the good understanding which happily existed between England and France should be continued, yet seemed at least to make it a matter of reproach that that subject should have been adverted to by his Majesty's Government with pleasure. He held it to be matter of congratulation that two countries the most powerful, the most enlightened, and, he would add, the most liberal, were engaged in bonds of such close and intimate union, and thus affording the prospect of a continuance of that good feeling which promised not only peace and security to themselves and to Europe, but which promised generally to ensure the maintenance and support of liberal principles. The right hon. Baronet had introduced—he knew not why, except, indeed, for the sake of conveying reflections on the conduct of France—the question of the occupation of Algiers. In what situation Algiers might be placed he knew not, nor would he enter upon the question further than to state, that he believed the possession of Algiers rested precisely in the same position as it did when the right hon. Baronet quitted office. Algiers and France stood in relation to each other precisely in the same position as they did prior to the late Ministers' retiring. And without entering any further into the question, he would express his belief that, if there was any one nation in Europe to which the possession of Algiers would be less advantageous, and its abandonment of greater benefit than another, that nation was France itself. Certain he was, that the possession of that settlement by France was not injurious to the interests of England, or the advancement of the civilization of Europe. Now, he was ready to admit to the right hon. Baronet (and he did not think that his noble friend meant to call the fact in question) the kind feeling which that House had uniformly evinced upon all questions connected with our foreign policy. He was ready to admit, that this and other great political questions were surrounded with many difficulties upon their taking office; and those difficulties, he must say, were left them as a happy legacy by their predecessors. There were three great questions to be disposed of; namely, the dispute between Belgium and Holland—the affairs of Portugal—and the state of Turkey. It was urged by the right hon. Baronet, that the state of affairs with respect to two of these countries was anything but satisfactory; and yet that papers had been laid on the Table respecting them without giving or implying any offence to the Government by the motion. This might be true: it was, in fact, true. But did the right hon. Baronet recollect, that the speech of the hon. Member implied a censure on Ministers for their conduct on the occasion in question? "Why," said the hon. and learned Member, "did not Ministers do this, and why did they not do that?—why are we to be left in the dark by having these papers refused to us, when similar papers were granted to the House on former occasions?" But that hon. Member should bear in mind that the periods of the negotiation were different. The affairs between Belgium and Holland were not, it was true, settled at the period alluded to; but the negotiations had reached that point when it was proper that every necessary information should be laid before the House. Then, again, it was urged, that the affairs of Portugal were not settled when papers were laid before the House. This was certainly true. But how stood the fact? We had shown hostility to Don Miguel. Nay, we had sent a hostile fleet to demand of him redress for the injuries inflicted on our trade and commerce in a time of peace, and, in order to justify this conduct, it was necessary to lay before the House the long series of injuries which we had to complain of. Both these events required the production of the papers which had been laid before the House. But, on the present occasion, his noble friend's argument was this:—There is nothing parallel in the case of Turkey to those other cases: here there has been no termination of negotiations; on the contrary, they are still pending, and in such a state as would not warrant our laying these papers before the House. It had been urged, that if any angry discussions had taken place—if doubts and difficulties had arisen—if there had been crimination and recrimination on the one part and on the other, then it would be right to refuse the papers. But his noble friend's case was this:—There had been strong objections taken, and remonstrances made, and explanations had been given from time to time, which were more or less satisfactory, but which at length went so far as to remove a portion of the impressions under which those remonstrances were made. Still, however, remonstrances were made, and the negotiations were, in fact, at this moment going on; and his noble friend felt, as a British Minister, that it would be injurious alike to the interests of the Crown and the country, if, pending those negotiations, the papers called for were to be laid before the House. He went further, and, in conjunction with his colleagues, entreated the House to wait a little, and when the proper time came, all the information necessary should be given. The right hon. Baronet had thought proper to go back to the question of interference or non-interference in the year 1831. The right hon. Baronet asked why it was, that Members should wait until they had a formal announcement from Turkey on the subject, knowing, as they must have known, the state of weakness to which that Power was reduced. It was true that Ministers did know her state of weakness, as well as the causes which led to it, although they were not at all responsible for either. But, said the right hon. Baronet, why was it that Ministers, knowing to what she was reduced, did not send our fleets and armies out at once to her relief? or, at least, why did they not tender their advice to the Sultan? Why was it that they had not an Ambassador at the Porte? Could they plead that they were in want of the necessary information on the subject? Why did they not advise and say to the Sultan, "We recommend you to come to terms with your powerful vassal before he becomes too great for you?" He did not wish to meet the right hon. Baronet with a retort instead of an argument, or else he might tell him that there was a period, between 1828 and 1829, when advice at least might have been given to Turkey; he might tell him that, before the battle of Varna, and also before the signing of the treaty of Adrianople, a period during which we had no Ambassador at Constantinople, some friendly advice and assistance might have been available; but none was given. It was the signing the treaty of Adrianople which weakened, if not destroyed, the independence of Turkey. His Majesty's Ministers might have erred in not giving advice or assistance to Turkey; but they were justified in not offering, if not compelled to offer, any resistance to the march of Ibrahim Pacha. He maintained that, in policy, we were not called upon to do so. The right hon. Baronet might indulge as he pleased in throwing out insinuations as to the secret assistance afforded by France in fomenting internal disturbances in Turkey; but he boldly asserted, that what stopped the progress of Mehemet Ali was the distinct declaration of France and England, that they would not permit the occupation of Constantinople by his troops. The right hon. Baronet argued, that his noble friend had conceded the whole question when he stated the difficulty which would have attended sending a British squadron to the Dardanelles. Now, what was the state of our affairs at that period? The right hon. Baronet seemed to think it a reproach to his Majesty's Government that the naval peace establishment of the country had been insufficient, at the time alluded to, to enable them to maintain three distinct operations. To those who complained that we had a squadron in the Downs, and another squadron at the mouth of the Tagus, it might well be a valid argument that we had not a fleet at the Dardanelles. But, at a period of profound peace, when we were on terms of perfect friendship with Russia, and reposed confidence in the assurances of that power, his Majesty's Government did not think it necessary, nor had they the means of sending distinct squadrons to the Downs, the Tagus, and the Dardanelles. "But," said the right hon. Baronet, "having permitted the Russian forces to take possession of Constantinople, you have no right to complain that Russia availed herself of the opportunity to enter into a treaty with Turkey, securing to herself advantages which she would not otherwise have enjoyed." Now, if the treaty which Russia concluded with Turkey had been of the character supposed by the right hon. Baronet, his Majesty's Government would have had every right to complain. When they were acting in a spirit of perfect confidence towards an ally, that ally would have had no right to conclude a secret treaty—a treaty without their knowledge or concurrence—for the purpose of forwarding his own particular purposes. If such an act had been committed, it would have been a great breach of faith, not at all discreditable to England, but highly discreditable to Russia. But, although the treaty did not bear the character which the right hon. Baronet imputed to it, the British Government thought it right strongly to express their sense of the unsatisfactory nature of some of its provisions, and to require explanations concerning them. With respect to the Dardanelles, the explanations both from Russia and Turkey had gone far to remove the most powerful objection which was supposed to exist against the treaty, namely, that in time of war the Dardanelles were to be shut against some nations, but open to others. Now they had the strongest assurances, both from Turkey and from Russia, that in the passage of the Dardanelles no advantage was to be enjoyed by Russian armed vessels over the armed vessels of any other nation; and that, in time of war, the passage was to be absolutely closed against ships of war of all nations. The right hon. Baronet had spoken of the treaty as if it were one offensive and defensive between Russia and Turkey, and as if Turkey had bound herself to close the Dardanelles whenever she should be required to do so by Russia. But what were in fact the terms of the treaty?—That Russia and Turkey being in perfect amity, in time of peace the Dardanelles were to remain free; but that, in time of war no armed vessel belonging either to Russia, or to any other power, should be allowed to pass. But what was gained by Russia in consequence of this arrangement?—In time of war Turkey was bound by the treaty to close the Dardanelles against the fleets of any and every nation. Before she concluded that treaty, Turkey possessed the power of closing the Dardanelles to both, or to either of two belligerents. By the treaty she was bound to close it to both belligerents. She was bound not to permit the vessels of other nations to go up the Dardanelles: she was bound not to permit the vessels of Russia to come out of the Black Sea. He did not mean to say, that this provision might not be in some respects advantageous to Russia. In time of war it might tend to defend Russia from the attack of a hostile fleet. But the offensive supposition entertained in the first instance, that Russia was to call upon Turkey to close the Dardanelles at pleasure against any other vessels but Russian, had been entirely done away by the explanations subsequently given. The right hon. Baronet had asked, what his Majesty's Government had gained by acquiescing in the treaty?—They had never acquiesced in it; they had stated their dissatisfaction with portions of it. It was in his (Mr. Stanley's) power, but as a Minister, he felt that he ought not at present to do so, to detail the satisfactory explanations which had been received on the subject. The plain state of the case was this:—For the purpose of protecting Constantinople against Mehemet Ali, which his Majesty's Government, notwithstanding the right hon. Baronet's supposition, were anxious to do, the Russian force being in readiness, entered Constantinople. Having afforded assistance to the Sultan, and England and France having combined in requiring Mehemet Ali to proceed no further, Russia withdrew from Constantinople. In the meanwhile, however, she had concluded a treaty with Russia; and a portion of that treaty appearing to his Majesty's Government to be very objectionable, remonstrances were made by this country and France, and explanations had been received which, though in a great measure satisfactory, were not wholly at an end. His noble friend, acknowledging the courtesy with which the House had hitherto treated his Majesty's Government on this subject, expressed his confident persuasion that the House would not take any step which might compromise the honour and dignity of the Government, and, therefore, would not call upon his Majesty's Ministers for the premature disclosure of a negotiation which had not yet been completed.

Mr. *Cutlar Fergusson* said, with respect to the treaty of the 8th of July, the House must come to the conclusion that it was not satisfactory, else why refuse to produce it? At the time when the noble Lord was addressing the House on this subject on a former occasion, a treaty had been secretly and surreptitiously entered into between Russia and Turkey, which it was found bore very hard upon the interests of this country, and strongly in favour of Russia, the worst Power in Europe. It appeared to him that, if the treaty was in itself of a suspicious nature, no explanation of these two Powers ought to induce this country to sanction it. He thought that the papers called for ought to be laid on the Table, but if the noble Lord thought otherwise, he for one would not press for their production at present. If the Russian ships of war were to pass the Dardanelles to the exclusion of men of war of other nations, he should like to know what construction was to be put upon that?

Mr. Secretary *Stanley* rose to explain. It had been stated in the treaty, that no foreign ships of war were to be allowed to pass the Dardanelles, and upon inquiring whether Russian men of war were included in the words "foreign ships of war," the answer was decidedly the affirmative.

Mr. *Cutlar Fergusson* proceeded—Where, he would ask, was Russia most vulnerable? Certainly in the Black Sea, the great resort of her ships of war. But, in the event of a war, in stepped Turkey, and said, "We'll throw the shield of our mantle around you, and protect you where you are most vulnerable." If it should be the case that the Dardanelles were now rendered impregnable by the aid of Russian engineers, would this not be of itself a violation of the treaty? Would it not amount to an act of cowardice on the part of Russia? But if this were so, if fortifications had been carried on on the land side, as well as on the Straits, it was impossible that any ship could pass without the permission of Russia. It was the duty of this country to guard itself against the domineering power of Russia, who was in fact aiming a vital blow at the existence of every Power in Europe. Nay, not content with this, she contemplated the overthrow of our possessions in the East. By her inroads into Persia (inroads unopposed by us) she had obtained the keys of that empire, as she had recently obtained those of Turkey. The fact was, that the growing power and desire of dominion manifested ought long since to have been put a stop to; and it would have been put a stop to long ago, had England and France acted with the necessary firmness. With respect to Ibraham Pacha, we might, he believed, by our fleets have prevented his invasion of Turkey; but as he had no positive information upon this part of the case, he would not attempt to implicate Government upon slight grounds. There was one great difficulty under which a British House of Commons always laboured when they required information to be laid before them. If the negotiation were still pending, they were told that the demand for information was premature, and would, if complied with, be subversive of all the objects which Ministers had in view. But if the negotiation were at an end, then they were told that all was over, and that it would be irritating and productive of unpleasant feeling to rip old matters up again. He wished to say one word or two, to which he begged the attention of the noble Lord, the Chancellor of the Exchequer. It was a question of great importance, and one in which the feelings of all classes in this country were interested. He alluded to the case of Poland. He did not ask his Majesty's Ministers to alter the policy they had pursued with respect to that persecuted and unhappy country beyond this. There were at present in these kingdoms numbers of those unfortunate patriots, who had been driven from their native soil by a Prince under whom they lived, under a treaty to which this country gave a guarantee. They were driven by persecution to insurrection and revolt, the treaty was violated and trampled upon, as were the unfortunate Poles who trusted to it. But this was not all; every attempt to extend relief to the sufferers in Poland was severely punished. It was but lately that an Ukase had been published in Russia, by which the father was prohibited from relieving the son, or the wife from assisting her husband or her child; so that this great and glorious band of freemen—men who had displayed courage in the field and wisdom in the council, were made slaves at home, or driven exiles and wanderers abroad. It was for the national honour that his Majesty's Government should take the case of these brave men into their consideration. He did not press for an answer at present to this appeal. He would only add that, as strangers and as brave men in distress, they were entitled to the hospitality of the nation, and deserved whatever assistance we could afford to bestow upon them.

Sir *Edward Codrington* said, that with

respect to the battle of Navarino, it was a mistake to suppose that that was the cause of the distress to which Turkey had been reduced. The Emperor of Russia was most anxious that the treaty agreed to by the other Powers should be entered into with Turkey, and had sent an express to his fleet on the subject instead of taking the circuitous route of London. The Russian officers had their master's orders to co-operate with him (Sir Edward Codrington) on this subject, as he was in possession of all the necessary information. But, unfortunately, the change of Government at home prevented the treaty from being entered into; but if it had, then the other Powers would have compelled Russia to abide by it, and there would have been no war between Russia and Turkey. The armies of Russia, and not the fleets of that empire, had done injury by invading Constantinople. With respect to France, he could not agree with the right hon. Baronet, that France had shown a want of sincerity in her proceedings. It was a mistaken notion that France approved of the conduct of the French officers in the service of Mehemet Ali.

The Amendment was negatived without a division.

The House resolved into a Committee of Supply.

Supply—Captain Ross.] Mr. *Cutlar Fergusson* rose to bring forward his motion for a grant of 5,000*l.* to Captain Ross, in consideration of the services rendered by him to science, and the sufferings he endured in his expedition to discover the north-west passage. He fully agreed with the hon. member for Oldham, that the public money ought not to be given away for mere asking. This he could assure the hon. Member should not be done in the case of Captain Ross, if the House should agree to this vote. Nothing had contributed more to raise the character of this country for naval enterprise and skill than the efforts that had been made for the discovery of the north-west passage. The voyages of Franklin and Parry had placed the discovery more within reach than it ever had been before. Captain Ross certainly had not succeeded in the object of his expedition; but the result of his voyage was so far useful as to show clearly the direction in which a passage was not to be found. Captain Ross himself was unable to meet the expenses of such an undertaking; but the necessary outlay of the expedition was supplied by the princely munificence of a merchant and citizen of London. Captain Ross sailed in 1829, and was absent four years and a-half. He and his crew sustained hardships unexampled in the annals of the British marine. He ascertained that no passage was to be found as far as latitude 74. This was a most important point to be determined. It must be recollected, that Captain Franklin and Captain Parry had given it as their opinion that a passage was practicable in a certain direction. This Captain Ross made trial of, and ascertained that a passage was not practicable through the inlet mentioned by these navigators. This discovery alone entitled Captain Ross to recompense from the public, because Franklin and Parry having stated that a passage might be found in this direction, it would be the duty of Government to send out an expedition to determine whether such was the case or not. Captain Ross saved the public the expense of this expedition. Only one man of the crew had died from the commencement to the close of his arduous undertaking, though in a climate where the thermometer was occasionally ninety-two degrees below zero. This fact alone sufficiently proved the care and attention of Captain Ross to the health and comfort of his men. The hon. Member read a letter from Sir John Franklin to the nephew of Captain Ross, not knowing the address of the Captain himself, expressing his congratulations on the safe return of the Captain, and his perseverance and ability in the prosecution of the object with which he set out. He ought to mention, that this was not the only service rendered by Captain Ross to the public, for, in 1818, he discovered in Baffin's Bay a most valuable fishery, by which this country had since then been considerably enriched, as could be attested by several hon. Members of that House. The hon. Member concluded by moving the following Resolution:—"That it is the opinion of this Committee, that a sum not exceeding 5,000*l.* be granted to his Majesty, in order to enable him to reward Captain Ross, of the royal navy, for the arduous and meritorious services performed by him in his voyage to the Arctic Sea, in the promotion of science and maritime discovery."

Mr. *Hutt* had formerly presented a Petition on this subject, and it was one in which his constituents were deeply interested. He fully concurred in all that had been said by the hon. and learned Member as to the merits of Captain Ross. His country had drawn no less than 2,000,000*l.* from the fishery discovered by him on the southern coast of Baffin's Bay. Services of this kind were those that ought to be rewarded with pensions. He had as much dislike as most men to the Pension-list, but there were still some names which it gave him pleasure to see, and he would mention in particular that of Admiral Rodney.

Sir *Robert Inglis* regretted, that he felt himself called upon to make any opposition to a Motion of this kind, nor should he do so were it not that it involved a principle. He was not satisfied with the part taken by the Government in this business. If Captain Ross were in truth deserving of a reward it was the duty of Government to come forward and propose it. The Motion seemed, as it now stood, to be the act of a private individual. It was true, indeed, that the noble Lord (Lord Althorp) said that the Government concurred in the proposition; but in place of giving to the Crown the grace and favour of such a proposal, the noble Lord admitted a private individual in no way connected with the naval service, to bring it forward. This, however, might be considered a mere matter of form; but it involved an important principle. A person who wore the King's uniform should not apply for reward through a private individual. He should expect his reward from the public at the recommendation of the Sovereign. During the whole time of his absence on this expedition Captain Ross was receiving half-pay as Post Captain in the navy. He must, therefore, be considered as still in the public service. A Motion of this kind should not be thrown out to be scrambled for in the House. It should have been brought forward officially by one of his Majesty's Ministers. The House had no means of knowing what were the merits of Captain Ross, or what he had done. Perhaps his right hon. friend (Sir James Graham), being at the head of the Admiralty, and having, of course, seen his papers, was the only person who could tell what he had done. Reference had been made to a voyage of Captain Ross in 1818. This voyage was undertaken, not as a private speculator, but at the King's expense. After that voyage, undertaken in company with Captain Parry, without consulting that officer or without his consent, Captain Ross announced that he had discovered certain mountains, to which he gave the name of the Croker mountains. Now the truth was, that such mountains did not exist, for Captain Parry subsequently sailed over these very mountains, at least over that part where they were said by Captain Ross to be situated. Captain Ross's last visit was as much for the recovery of his own character as for the discovery of the North Pole. He had as yet to learn that Captain Ross had gone westwards by ten degrees, or to the north by five degrees, as far as Captain Parry; and as the latter had received no reward for his services, he could not see what especial claim the former had to a parliamentary grant. He should, therefore, meet the Motion by a direct negative.

Lord *Althorp* was inclined to believe that the hon. Baronet correctly explained the motives which induced Captain Ross to undertake his expedition, when he said it was for the recovery of his own reputation, and it was owing to his Majesty's Government entertaining that opinion that they had declined coming forward to propose a grant for the purpose of rewarding him. It might then be asked why in such a case they had recommended the Crown to consent to the presental of Captain Ross's petition? To such a question, supposing it to be asked, he (Lord Althorp) would reply, that, considering the feeling of the country to be in favour of rewarding Captain Ross, his Majesty's Ministers would have been acting a most ungracious part had they, by recommending the Crown not to consent to the presenting of the Petition, prevented a discussion of the subject in the House of Commons. Although, however, he thought the Government would not have been justified in recommending the grant to the House on the ground that the expedition was not undertaken by order of his Majesty's Government, he was disposed as an individual Member of that House to say that, considering the feelings of the country, they would be perfectly justified in acceding to the Motion; and such being his opinion, he was prepared, in the result of a division, to give it his support.

Sir *Edward Codrington* said, he would give his cordial support to the Motion.

Mr. *O'Connell* thought, that the grant proposed was an exceedingly stingy one, and ought to have been much greater.

Mr. *Aaron Chapman* was of opinion that in a commercial point of view Captain Ross's services were well worth the grant proposed. He regretted it was so small in amount.

Mr. *George Frederick Young* thought, that the second person in command of the expedition was quite as much entitled to reward as Captain Ross, and with a view of enabling his Majesty to bestow on him such reward, he begged to move as an Amendment that, instead of 5,000*l.*, a sum of 7,500*l.* be granted, on the understanding that the difference should be paid to Commander Ross.

Sir *Robert Peel* wished the House clearly to ascertain the real grounds on which they were about, as he now believed they were, to bestow a grant upon Captain Ross. Was it in consideration of his services, or out of respect for his character and admiration of that chivalrous spirit he was alleged to have manifested? If in consideration of his services, he thought they should have been previously laid in detail before the House, so that they might know exactly what they were. On the other hand, if the vote was to be agreed to out of respect for the character of Captain Ross, and admiration of his chivalry, he feared there would be many equally strong claims for similar grants. He thought that the seamen and others who had shared the dangers of the expedition with Captain Ross ought to have shared the reward, and in order to have clearly ascertained what those actual services were, he regretted much the hon. and learned Member had not moved for a Committee of Inquiry instead of at once proposing a grant of money. This would have relieved them from the dangerous precedent which he feared they were about establishing by adopting the course proposed by the hon. and learned Member.

Sir *James Graham* said, that as an individual Member of the House he would support the vote, and he would do so on the ground that every individual composing the expedition, with the single exception of Captain Ross, had already been rewarded for their services by the Admiralty. To the seamen the Admiralty had allotted double pay for the whole time they were employed; while every officer, with the single exception of Captain Ross, had received promotion in some shape or other. That the services of Captain Ross did not deserve to pass unrewarded, every one he thought, must admit; and as the Admiralty had no power to bestow such reward, he trusted the House would accede to the Motion.

Mr. *Aglionby* thought it would be far preferable to refer the matter to a Select Committee. The House would then see for what services they were voting, and would regulate the amount of their vote accordingly.

Sir *Henry Hardinge* agreed with the hon. and, learned Member, and, as an officer, considered that Captain Ross would be more honoured by having his case brought before a Committee than he would be by any vote or grant they might come to in his favour at that hour, (two o'clock in the morning). As to the men that served under the gallant Captain, they had only had their bare bargain; and he would say in the name of the sailors in his Majesty's service, that these seamen were as well entitled to be rewarded as Captain Ross himself. He thought that his hon. and learned friend who moved the Resolution, would do more justice to Captain Ross, and his officers and crew, by altering his Motion for a grant of 5,000*l.* to one referring the matter to a Select Committee. He felt certain, that no Gentleman who might be on that Committee would alter the grant to a less sum than 5,000*l.*

Lord *Sandon* begged the hon. and learned Gentleman to submit the case to a Select Committee, since in that way he would best consult the feelings of the gallant Captain.

Mr. *Cutlar Fergusson* said, that he should be extremely unwilling to resist the inclinations of the House. He was most anxious that the services of Captain Ross should be better understood by the House, though he thought that he had already fully explained to them the great services the gallant Captain had rendered to geographical science in solving one great question that had hitherto been undecided. Under the present circumstances he had no objection to withdraw his Motion in favour of a Committee, and he should, therefore, when the Speaker resumed the Chair, give notice of a Motion for having the matter referred to a Select Committee.

The House resumed; the Chairman reported progress, and obtained leave to sit again.

HOUSE OF LORDS,
Tuesday, March 18, 1834.

MINUTES.] Bills. Read a third time:—Sugar Duties.
Petitions presented. By the Earl of UXBRIDGE, from Dissenting Congregations of Holyhead, for the Better Observance of the Sabbath.—By the Marquess of LANSDOWNE and Lords DURHAM and WHARNCLIFFE, from Dissenting Congregations—for Relief to the Dissenters.

WARWICK BOROUGH BILL.] Lord *Wynford* presented a Petition from certain electors of the borough of Warwick, against the Bill for preventing bribery and corruption in elections for that borough. They complained that the Bill proceeded on an unfair principle, inasmuch as only twenty-one cases of corruption had been proved, in a constituency of 1,300. They, therefore, prayed their Lordships that the Bill should not be allowed to pass into a law, and that they might be heard at the Bar of the House against it. He conceived that the prayer of the petition was just and reasonable, and ought to be attended to.

The Earl of *Durham* could not agree with the noble and learned Lord in the opinion which he seemed to have formed on this subject. To understand the question rightly, it was absolutely necessary, that their Lordships should know what had taken place in the other House with reference to this borough. If the proceedings before the other House were examined, it would appear very plainly, that the petitioners were not entitled to be heard at their Lordships' Bar. The same parties who now petitioned the House, had previously been heard by the Committee of the other House, having caused a petition to be presented for that purpose. Witnesses had been heard in support of its allegations, and the Committee had reported, that they were guilty of such gross prevarication, that no reliance could be placed on their statements. They then demanded to be heard at the Bar of the other House; but their application was refused, and the Bill was carried almost unanimously. The question was, whether under these circumstances, an examination into the facts of the case should be instituted before their Lordships. Were they to run the risk of a sort of conflict with the House of Commons, and incur an expense of 9,000*l.* or 10,000*l.* for the purpose of enabling individuals to prove before their Lordships, that which had already been proved by the evidence brought under the consideration of the House of Commons?

Lord *Wynford* said, the real question for their Lordships' decision was, whether the petitioners, who complained of a grievance, were to be heard by counsel at their Lordships' Bar or not? He would put it to every noble Lord in that House, whether a Bill of this kind had ever been passed, without a previous inquiry having been instituted with respect to the alleged facts? He was certain, that the noble Earl could point out no precedent of the kind. The noble Earl had alluded to the possibility of a conflict arising between that House and the House of Commons, if their Lordships prosecuted the inquiry which the petition called for. No man could more anxiously wish than he did to avoid such a conflict; but certainly, he would not consent to do so at the expense of the honour and dignity of that House. Never had a case occurred of a borough disfranchised, or new electors added to its constituency, in which their Lordships had simply acted on the report of the other House of Parliament. It was their duty to see with their own eyes, and to decide by their own knowledge. Even in the case of Grampound, where it was found that every Magistrate in the place was corrupt, their Lordships did not proceed merely on what had occurred in the other House.

The Marquess of *Clanricarde* was of opinion, that the Reform Bill afforded to the noble and learned Lord a very sufficient precedent. Many boroughs were disfranchised by that Bill, but no inquiry took place at their Lordships' Bar on the subject. He thought, with humble deference to the noble and learned Lord, that they were justified in proceeding with this Bill, without hearing counsel or witnesses at the Bar. It should be borne in mind, that there never was a case in which petitioners came before their Lordships under circumstances similar to the present. In his opinion, it would be nothing more than an immense and unnecessary waste of time and money to hear the petitioners by counsel at the Bar.

The Marquess of *Salisbury* was surprised to hear the Reform Bill quoted as a precedent on this occasion. The cases were entirely dissimilar. There was nothing in the Reform Bill, which proceeded on public grounds, that could be adduced as a reason for depriving a body of electors of their rights. Nothing, he conceived, could be more unjust, than to disfranchise a borough on account of the errors of a few electors. He would call on their Lordships to give the parties interested a fair opportunity of being heard. He hoped that their Lordships would not depart from the precedent which had obtained in various other cases, when interference with the elective franchise of different boroughs became the subject of their Lordships' proceedings.

Lord *Wynford* wished the noble Earl to state on what day he meant to move the second reading of the Bill, because on that day he should move that the petitioners be heard by counsel at the Bar.

The Earl of *Durham* said, he did not wish that this question should be made merely a matter of debate between the noble and learned Lord and himself. He was anxious to know what course Ministers meant to pursue on this occasion; and the more especially, because this was the first of five or six Bills of a similar description, which were coming up from the other House of Parliament. He might here be allowed to observe, that the present Bill was not brought in for the purpose of disfranchising a single individual. It only added to the existing body of electors, a class of persons who were resident in the neighbourhood of the borough. In point of fact, the Bill did not disfranchise any one person. The number of electors would be extended; but so far as the constitutional exercise of their right was concerned, it did not affect the old electors at all. He wished Ministers to declare what course of proceeding seemed to them to be most advisable? He wished also to learn what the opinion of their Lordships was on this subject. Did the House intend to hear witnesses at the Bar? Did they intend to incur all this additional expense for the purpose of obtaining that evidence orally, which at that moment was printed, and lying before them? Would they throw away 9,000*l.* or 10,000*l.* to arrive at that information which had been already afforded to them by the House of Commons? He objected to these parties being heard before the House; but, if their Lordships determined to hear evidence, he, on his part, should be ready to make out a case that would clearly prove the necessity of proceeding with the second reading of the Bill.

Earl *Grey* said, it was not his intention to enter into the question whether or not satisfactory evidence had been given with respect to the alleged bribery and corruption at the late Warwick election; neither would he offer any opinion as to the means of correcting the evil complained of, whether by extending the franchise, or by adopting any other course. He should also abstain from any inquiry into the precedents which might be drawn from the mode of proceeding that had been adopted in similar cases. The present was not a fitting opportunity for discussing those points. On the question which now immediately occupied their Lordships' attention, he could only say, that it was a matter of very grave and serious consideration to that House to reflect whether, in a case which must in a great degree be decided upon by them in their judicial capacity, they could proceed to punish individuals, without hearing them in their defence. This, he repeated, was a matter of very grave consideration. He would not at that moment give his opinion on the question; but, he would state in his judicial capacity, what that opinion was, when the subject came regularly before them. He had thought it right to say so much on this point; but it was not for that purpose that he had risen. His noble friend had called on the members of that House to state their opinion, and more particularly in one part of his speech, he had called on his Majesty's Ministers to state what course they meant to take. Now, he disclaimed any particular feeling on the subject; because he considered this question as coming judicially, and in no other manner, before their Lordships. He, therefore, felt no more interest in it than any other member of that House. It was not for him, as Minister, to point out any mode of proceeding which he might consider more or less expedient. As an individual member of that House, he should be ready to give his opinion at the proper time; but he did not feel that it formed any part of his official duty to make such a communication.

The Earl of *Durham*, would not, after what had fallen from his noble friend, press the matter further. On former occasions, however, when similar measures were before the House, Ministers had taken a very active part. Thus, in the case of East Retford, it was well known that the noble Duke then at the head of his Majesty's Government, he might almost say, superintended the proceedings, and stated to the House what was the course which, in his opinion, it was most proper to adopt. He had, therefore, thought, that as a matter of form, his Majesty's Government might offer some statement on this occasion.

JUDGMENTS IN EXECUTION.] Lord Wynford moved the second reading of the English and Irish Judgments Bill.

The Marquess of *Westmeath* thought the Bill vicious in principle, and that it ought not to be allowed to proceed further. He, perhaps, should be told, that the Bill gave no right to creditors which they did not at present possess. That might be the case; but still he maintained that the Bill would give encouragement to parties to obtain by sinister means what they might now obtain by a straightforward course. He believed that the provisions of the Bill were entirely unknown to the practitioners of the law in Dublin; and he put it to their Lordships, whether it would be wise, at a time when the question of the Repeal of the Union was agitated, to irritate these parties by an enactment which had the appearance of an attempt to deprive them unfairly of a portion of their practice, by transferring it to London? He thought the noble and learned Lord would do well to postpone the second reading of this Bill, until the Lord Chancellor of Ireland was able to attend in his place.

The Marquess of *Clanricarde* was favourably disposed towards the Bill, because he believed, that it would have the effect of inducing persons of property to send their capital to Ireland, but he objected to the *ex-post-facto* character of the measure. For instance, he believed that existing creditors would, by the Bill before the House, have an advantage over their debtors, which, by the present law, they did not possess. He wished the Bill to be postponed, in order that the opinion of Irish lawyers might be had on it.

Lord *Wynford* said, that the law in Ireland was the same as the law in England, and consequently English lawyers were as able as Irish lawyers to judge of the merits of the Bill. It would inflict no hardship upon existing debtors—it would not make them pay more than they owed, but would in reality save them money by altering the process of proceeding. The Bill was well known in Ireland, and, under these circumstances, he saw no reason for postponing the second reading.

The Bill was read a second time.

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HOUSE OF COMMONS,
Tuesday, March 18, 1834.

MINUTES.] Bills. Read a second time:—Consolidated Fund and Indemnity.—Read a third time:—Ministers Appointment (Scotland).

Petitions presented. By Mr. SHAW LEFEVRE, and Mr. RICE TREVOR, from two Places,—for the Repeal of the Malt Tax.—By Sir GEORGE GREY, from Tregony and Cuby, for Extending the Jurisdiction of the Borough of Tregony over the Parishes of St. James's and Cuby under the New Municipal Corporation Act.—By Mr. PALMER, from Theale, against any Measures likely to weaken the Efficiency of the Established Church.—By Lord SANDON, from Cheswardine, in favour of the Lord's Day Observance Bill; and from Abbots Bromley, for the Repeal of the Sale of Beer Act.—By Sir GEORGE STAUNTON and Messrs. SHAW LEFEVRE, WILLIAMS, BRISCOE, MILDMAY, DIVETT, BAINES, and an HON. MEMBER, from a Number of Places, and Dissenting Congregations, for Relief to the Dissenters.

TEA-DUTIES—ADJOURNED DEBATE.] Mr. *Robinson*, who resumed the Debate on the Tea-duties, said, the subject contained in the Petitions was one of such great importance to the country as to justify a deviation from the usual course adopted by the House to avoid discussion on petitions. He begged to say, that he dissented from the inferences in both of the petitions. With regard to that from Hull, he would dispose of it without comment, because it was only signed by one person; but the petition from the City of London was of a very different character, and, in every respect, deserving of consideration, not only as regarded the respectability of those who had signed it, but also on account of the reasons which had been urged by the hon. member for London (Mr. Crawford) in support of its prayer. The petitioners prayed that, instead of the scale of duties which had been fixed upon tea by the Bill of last year, there should be one uniform rate of duty upon all sorts of tea. A great deal had been said as to the possibility of collecting the duties; and if that had been the only question, he should not have deemed it worthy of many observations; but it was a question affecting the consumers of tea, who were, in fact, the great mass of the community. If the House looked at all articles of consumption upon which duties were levied, it would be found, that not one, excepting, perhaps, sugar, was in such general use as tea; they should, therefore, look at the subject as one involving the interest of the consumers. When his Majesty's Government last year brought in the Bill to levy three rates of duty on tea, they consulted persons of eminence in the tea trade as to the best means of carrying such a proposition into effect, and, therefore, it was stated, rather prematurely by the right hon. member for Tamworth (Sir Robert Peel) that the plan was impracticable. He believed, that before the Government had decided upon adopting the present scale of duties, they had received information from persons connected with the tea trade from Liverpool, Newcastle, Glasgow, and Hull, and after a very careful inquiry into the subject, which was one of very considerable difficulty, they had come to the conclusion, that the plan was practicable; and as its object was, to afford to the lower classes a good beverage at a moderate rate of duty, they had proposed the present scale of duties to the House, and the House had adopted it. He admitted, that it was introduced at a late period of the Session, and might, therefore, justly be considered as open to further discussion. Before saying anything on the arguments in favour of an equalized scale of duties, he must remark, that there was some fatality in all the fiscal regulations of this country, which by some untoward accident led the House to levy a greater proportion of taxation upon the lower than upon the upper classes. He did not charge the House with a design to do that; on the contrary, he thought that a great deal of the present inequality of taxation arose from accidental circumstances. Would any Gentleman deny, that a rated scale of duties, charging a higher duty upon the superior qualities of tea, was an act of justice? and would it be fair, that there should be a single rate of duty upon the finest and the coarsest qualities of tea? Unless it could be proved, that the collection of the revenue under the present Act was impracticable, he should not approve of one rate of duties for all teas. At the same time, he admitted, that there was great difficulty in distinguishing between the fine boheas and the coarse congous, which was a reason for equalizing the duties upon those teas. He had no objection to have a mean taken between the present scale of duties upon congou and the proposed duty upon bohea, so that this difficulty might be avoided; but, he would propose, not that the duty on bohea should be raised, but that the duty on congou should be lowered, say, for instance, to 1*s.* 9*d.*, and that a higher rate of duty should be charged upon the other teas. Let the House see what was done by the Government, and what was proposed to be done by the petitioners. The Government, seeing that it was not possible to collect an *ad valorem* duty upon tea after the exclusive sale had been taken out of the hands of the East-India Company, had recourse to a scale of duty, and fixed upon something like the relative value of tea. By the Government proposal, bohea paid a duty of nearly 200 per cent, whilst the fine teas did not pay more than 75 per cent on the price. This was manifestly unjust to the lower classes who principally consumed the low-price teas, adding to the existing inequality and injustice of taxation, and he would never consent to allow any addition to this injustice; on the contrary, they ought to go back to a rate of taxation proportionate to the price. It would be a manifest act of injustice to equalize the duty on all tea, and the adoption of such a course ought not to be tolerated by the House unless it could be shown, that it was impossible to collect the present proposed duties. He could not consent to have the duty on the finer descriptions of tea lowered to the rate of duties on tea of an inferior description. In stating this, he begged the House to understand, that he did not contend in favour of the scale of duties proposed by his Majesty's Government, but in favour of the principle of a scale of duties such as that proposed by the Act of Parliament, namely, that there should be low duties on the low-priced teas. If the duties were equalized on congou and bohea, all the difficulties would be removed. He believed, that the importers of tea were men beyond the reach of temptation, and would never be found guilty of defrauding the revenue. Be that as it might, it was the duty of the Government to guard the revenue. He considered that the present rate of duties should be tried, and, if applied to the quarter's sale of the East-India House, it would be seen whether it was practicable to collect the duties proposed by his

Majesty's Government. In his opinion the effect of equalizing the duty on tea would be to deprive the poor consumer of tea of the benefits of an open trade to China, and would confer advantage only upon the higher classes, who would get the high-priced teas at a much cheaper rate. He, therefore, trusted that his Majesty's Ministers would well consider the subject before they altered the course which they had intimated their intention to adopt. He should have no objection to the appointment of a Committee to ascertain whether the proposed scale of duties was objectionable in its proportions, for, in his opinion, the present rate of duties on the inferior teas ought not to be more than 1*s*. The consumption of this country amounted to 31,000,000 lbs.; that was, about 1½ lb. to every individual annually. It was, therefore, a matter of great importance; and he earnestly hoped, that Government would take pains to constitute a fair scale of duties.

Mr. *Lyall* must assert with his hon. colleague (Mr. Crawford), that there would be some difficulty in relation to the duties on congou and bohea teas. He had inquired particularly at the India House, of those persons under whose management the teas had been placed, and they uniformly concurred in opinion, that the rated duties would lead to fraud and confusion, more especially from the difficulty of discriminating between the lowest quality of teas rated at the high duty, and the best quality of those rated at the low duty—between ordinary congous and best bohea—the former being rated at 2*s*. 2*d*. per lb., and the latter at 1*s*. 6*d*. It appeared from the sales at the India House, that the tea dealers did not estimate this difference in quality at more than 1½*d*. or 2*d*. per lb.; that being the difference of price at which they were sold under the present *ad valorem* duty. One singular effect, in consequence of the application of the proposed rated duties, would take place at the next sales of tea at the India House, when those duties would first come into operation. The public would then witness the extraordinary anomaly in commercial affairs of the better quality of the same article being sold simultaneously at a lower price than the inferior quality. This must be the case, as would be obvious to every tea dealer's clerk who understood the simplest rules of arithmetic. By the mode of classification which had long prevailed at the India House, and hitherto never questioned by the trade, the upset prices of bohea at the Company's next sale would be 1*s*. 5*d*., and of congou 1*s*. 7*d*.; adding to this the rated duties, it would be the interest of the buyer to give the highest price for the inferior tea, because there would be only 2*d*. per lb. difference in the quality; but there would be 8*d*. per lb. difference in the duty. He believed that great frauds would result from the proposed system. He found, that in the year 1832, the amount of bohea tea sold, paying a duty of 1*s*. 6*d*., was 6,500,000 lbs.; but the whole amount of teas sold was above 32,000,000 lbs. Therefore, it would be seen a very small quantity of the whole consumption consisted of bohea. Out of the whole, about 24,000,000 lbs. paid a duty of 2*s*. 2*d*., *i. e.* about three-fourths of the whole; so that the revenue derived but little from the teas which paid a duty of 1*s*. 6*d*. In his opinion, however, if the proposed scale were persisted in, almost all teas would soon pay duty as boheas. He thought, too, that it would be very unjust to the East-India Company, as they had, at present, a stock of 70,000,000 lbs. in their hands. If the *ad valorem* duty was not suffered to exist until that stock was exhausted, it was plain that an alteration would produce a diminution in price, which would occasion a considerable loss upon the whole quantity.

Mr. *Hawes* had taken some pains to inform himself on the proportional qualities of tea sold in the retail and wholesale line; the result was, that he thought the consumption of congou tea exceeded the consumption of the cheap teas. The annual importation of teas was nearly 33,000,000 lbs., of which 21,000,000 lbs. were congou; so that two-thirds of the revenue were yielded by the latter. He found, that in Birmingham and in Manchester one chest of bohea was consumed, while there were nine of congou; in Plymouth and Devonport, the ratio was one chest of bohea to fourteen of congou. That information he had not from one but from many tea-dealers. He would direct the attention of the members for Ireland to the fact, that one chest of bohea was only imported into that kingdom for seven of congou. In America, the scale of duties was varied, while in France it was fixed;

in the former country the highest duty was 1*s*.; and the consequence was, the increased importation of bad teas. Some time past, a ship laden with tea was sent back from France to America because of the too inferior quality of the article. He would call the attention of the House to what had occurred in the year 1830, on the Sugar-duties, as it might apply to the present subject. Great objection had been taken by Members who sat on that side of the House, to the mode in which the quality of sugar was ascertained, yet they took a better mode then than they did with respect to tea. Now, they only judged of it by the opinion of an inspector; but the sugar was estimated by its value in the open market. The hon. Member had shown, that the great consumption of tea was in congou, and he was satisfied the Ministers must give up their present plan, by which that description of tea was so heavily taxed.

Mr. *Hume* considered, that every article admitted into the kingdom, if taxed at all, should be subjected to an *ad valorem* duty. If the suggestion now made was adopted, the Government would act most unwisely. If a man desired to consume an inferior article, that was no reason why he should be obliged to pay the same duty as for a superior article. The hon. member for Southwark had very fairly stated, that congou was the great article of consumption, and that the great bulk of the duty would fall upon it. That was a reason why the scale should be revised; but not why it should be done away. The price of tea could not be ascertained merely by the quantity of each description sold. The hon. member for London had stated, that the difference of price between bohea and congou was from 2*d*. to 2½*d*. per lb. Let the House look to the price these teas had borne in the United States for a period of ten years. From the year 1820 to 1829, they were the same price within a penny. In America, too, the differential duties had existed for a period of forty years, and no difficulty had been found in the mode of collection. In the United States, there had been no less than five different rates of duty; and if they had found it necessary to remodel these duties, some change would have taken place, but that had not been the case. The system had been found to work extremely well there, and he considered, therefore, that teas should pay a duty in proportion to their value; but that the scale should be revised. When the right hon. Gentleman opposite brought in the Bill last year, he (Mr. Hume) then said, he doubted the correctness of the scale of duties; but the Bill passed too rapidly through the House to be properly considered. He, however, contended, that the principle was right, and one which the Government ought to try. He would fix the scale according to the prime cost in China, because, when the trade was thrown open, the prices here would be regulated by those in China. It was true, that there might be some difficulty; but it could be got over by the same means as were adopted by the East-India Company, as well as in America and other countries. He knew it was impossible to prevent frauds altogether; but after the experience of forty years in America, by men who were very anxious upon every occasion to evade duties, he was confident the plan was practicable. He hoped, therefore, that the scale of duties would again be considered, either by the Government, or by a Committee; but that, at all events, the principle would be persevered in. With regard to what took place abroad, the House could scarcely be guided by it. It was true, that in France there was one uniform rate of duty, and tea worth 3*s*. a pound paid no more duty than that worth 6*d*. In the Netherlands, there were only two discriminating duties. They imported bohea, congou, and souchong, and the only duties were 1¼*d*. on black, and 2¼*d*. on green. The object of evasion was there so trifling, that it was not worth while resorting to it. He wished to see the principle adopted in this case extended to all articles of consumption, in order that the people should only pay duties in proportion to the quality and value of those articles.

Sir *George Staunton* said, that having been so long connected with the tea-trade, he could not allow this opportunity to pass without making some observations. He regretted, that it had been thought necessary to abandon the plan of *ad valorem* duties, as he thought it the most fair mode of assessing the duty, with perfect equality, in proportion to the qualities of the teas. But it having been found necessary to abandon this plan, he conceived, that there was no intermediate step whatever between this and the plan of a uniform scale of duties. The only argument that had been adduced in favour of a rated duty was the example of America; but there the duty was very small, in fact insignificant, and could not be compared to the large duties levied in this country; and there was no temptation for smuggling in America. He must also observe, that the chief consumption in America was of green tea, which admitted of some distinction; but, in the black teas, which were chiefly consumed in this country, no such distinctions existed. He was afraid, they were misled by the terms by which black teas were generally known in this country. They were called congous, bohea, and souchong; but these names were not given them by the Chinese, who merely described their teas as inferior, middling, and superior. All the black teas imported into this country, with a very small exception, were produced from the same plant, and in the same part of China, in what was called the bohea district. The term "bohea" was formerly given in this country to all descriptions of black tea, as might be seen on reference to one of the numbers of the *Spectator*, where it was spoken of as of the highest quality of black tea. The literal meaning of the term "congou" in the Chinese was "prepared or manufactured," and the meaning of "souchong" was "selected." Therefore, in fact, there was no possibility of separating these kinds of tea into three distinct classes. There was no article of consumption more liable to adulteration than tea; and he need not point out to the House, that the people of China were perfect adepts at practising frauds of this description. An experiment of the capacity of the brokers of this country in distinguishing teas was mentioned yesterday. He did not rely upon this experiment, when he had himself seen so many instances in China, of persons of great knowledge of teas deceived by the people of that country. Looking at the difficulty of collecting the revenue, and also the still greater difficulty of distinguishing teas, he could not conceive any mode more safe and satisfactory than an equalized and uniform scale of duties.

Mr. *Grote* said, this question was evidently one of fact only, for throughout all the debate, the speakers had agreed in principle. From inquiries which he had made among persons connected with the trade, he had found, that there was a great proportion of congou sent from London to Ireland and Scotland, where scarcely any bohea at all was consumed. The proportion was something like twenty to one. It also appeared, that not only did the lower classes consume a great deal of congou, but of twankay also, and the better sort of teas. The quantity, indeed, of the latter was very nearly equal to, if not greater than that of the former. It appeared to him, that the opinion of persons engaged in the trade ought to be regarded; and he saw no reason why any information which they furnished should be mistrusted. The honest trader could have no object in view, but to prevent that fraudulent system which was expected to result from the proposed scale of duties. In China, there would not be the least difficulty in procuring a fraudulent kind of bohea; and he was informed, that in anticipation of the new scale, commissions were actually sent out to China of that kind. Another great evil was this, that if once the fraudulent practice was to get a footing, it would be difficult to eradicate it. The great difficulty was, to distinguish bohea from congou. With respect to the appointment of inspectors, an indulgent one might draw the whole trade of tea to a certain part of the country, while a rigorous one would drive it away. This would greatly inconvenience not only his Majesty's Government, but all those who were disposed to act fairly and honestly. In the alteration of the present mode of levying the duties on tea, no scale ought to be acted upon which could not be shown, not only to be thoroughly practicable, but better than the present scale. As the scale proposed by his Majesty's Ministers would not have the beneficial effects contemplated, the appointment of a Committee was probably the best mode of arriving at a sound judgment upon the subject.

Mr. *Buckingham* said: When the Tea Duties Act of the last Session was passing through the House of Commons, I was one of the first among its Members who ventured to predict, that the scale by which these duties were to be levied, would be found unjust and impracticable. The opinion was then, I know, disregarded; but the discussion of yesterday and to-day, springing out of the petitions that have been presented, prove too clearly that it would have been well for his Majesty's Ministers, if they had then given attention to that opinion. On that occasion, I remember well, that the right hon. the Secretary to the Treasury (Mr.

Spring Rice), assumed great credit to the Government, for having, on changing the mode of levying the duties from an *ad valorem* to a fixed rate, paid such attention to the interests of the humbler classes, as to reduce the duty on tea, by that change, from ninety-six to eighty per cent. I undertook to show, however, that directly the reverse of this would happen, and that, instead of any decrease, the change would absolutely produce a large increase of duty, as compared with price; and so accurate was this calculation, as opposed to that of the right hon. the Secretary to the Treasury, that we have now the admission of the petitioners, as well as of the speakers on both sides of the House, that the new scale of Tea-duties, while it will reduce the rate of duty on the higher-priced teas, or those consumed by the most wealthy, from 100 to seventy-five per cent *ad valorem*, and lighten the tax to the rich by twenty-five per cent, will actually increase the duty on the lower-priced teas, or those consumed only by the poorer classes, from ninety-six to 200 per cent. *ad valorem;* far exceeding, therefore, in the difference between the two extremes, any thing I had ventured to predict, though that prediction, moderate as it was, was disregarded because of its supposed extravagance. The Ministers and the country must now see their error; and fortunately it is not yet too late to retrieve it. Hitherto, the duty has been ninety-six per cent on the selling price of the coarser teas, and 100 per cent on the selling price of the finer teas; and the place of sale being exclusively confined to the India House, in London, the collection has been extremely easy. It is now intended to change this simple *ad valorem* duty into a rated one, and to place a tax of a certain amount per pound, instead of determining that tax as heretofore by the value. The new duty is to be 1*s*. 6*d*. per pound on all bohea teas, 2*s*. 2*d*. per pound on all Congou teas, and 3*s*. per pound on all teas of the finer kinds, not included in these two classes. The defence set up for this classification is, that it is founded on the principle of an *ad-valorem* duty, and puts the higher tax on the more costly article, for the sake of lightening the burthen to the poor. This defence is, however, not merely fallacious, but absolutely false, as directly the reverse is produced by the new system. For instance, the price of the coarser kind of bohea being, at such of the continental ports as enjoy a free trade in that article, 9*d*. per pound, and the duty affixed to it by the new scale 1*s*. 6*d*., the rate of duty is just 200 per cent on the value. On the other hand, the most costly of the finer teas being at the free trade price of 4*s*. per pound, and the duty affixed to it by the new scale being 3*s*., the rate of duty is only seventy-five per cent on the value, thus placing heavier burthens on the poor, who are too heavily laden already, and at the same time lightening the burthen to the rich, who are the best able to bear it. One most powerful objection, then, to such a classification of duties as this, is its positive injustice; to which might, perhaps, be added another, namely, the cruelty and impolicy of taxing any article of food at all; and tea, by the universality of its consumption, has become as much a necessary of life as almost any other article, save bread alone, and the privation of it would be felt in an extreme degree by all classes. It is admitted as a maxim of sound policy, that men should contribute to the support of the State in proportion to their respective means of wealth, as the fairest and most unexceptionable standard. But it is mortifying to observe, that when any tax is about to be taken off, or new one about to be put on, this principle is violated in the most flagrant manner. The House-tax, and the Duties on Tea, are both cases in point. The former, if fairly and equitably assessed, as a certain per-centage on the actual cost or value of the House, comes the nearest to a Property-tax of almost any that could be devised; for it may be admitted as a general rule, that as men increase in wealth, they enlarge and adorn their dwellings: and the difference is extreme between the humblest cottage of the peasant, which might be built for 10*l*., and the lordly mansions of the nobility, which could not be built and completed for less than one hundred thousand times as much as the humble dwelling of the peasant. That tax, however, one of the fairest and most just, if apportioned according to actual cost and value, is to be taken off, and the rich will be chiefly relieved by it; while the new duties on tea are to be so shaped as to produce three millions and a-half, or four millions of annual revenue, the chief burthens of which will fall most heavily on the poor. The poor man, who has 50*l*. a-year, consumes, we will suppose, a pound of tea per month; and, in so doing, he pays

18*s*. in the year as his share of the four millions of taxes raised on tea. The noble peer, with an income of 50,000*l*. a-year, will not consume more than two pounds of tea per month; and, in so doing, he will contribute 72*s*. in the year, as his share of the same tax raised on tea. Surely, every one must see, that if the principle of taxing men in proportion to their means of wealth, were strictly adhered to, the noble Lord, with his income of 50,000*l*. a-year, ought to pay duty on one thousand times as much tea per annum, as his poorer neighbour, at 50*l*. a-year; for then, and then only, would their respective contributions to the Exchequer be in exact relation to their power of payment: and whether the mechanic of 50*l*. a-year could spare 18*s*. or a peer of 50,000*l*. a-year, spare 72*s*. with the least inconvenience, as their respective contributions to the State, it would not be difficult to judge; nor, if there be truth in figures, and arithmetic is not wholly a delusion, can these propositions be denied or refuted. In addition, however, to these theoretical objections to the new scale of duties on tea, there is this great practical objection, that all men conversant with the subject, declare it absolutely impossible to determine the difference between the better sorts of bohea, and the inferior sorts of congou, which approach each other so nearly as to baffle the skill of the most experienced, to separate the one from the other. Who does not see, then, in an instant, that this difficulty and uncertainty will open the door to all manner of frauds?—that the temptation to enter congous as boheas, for the sake of avoiding the higher duty, will be irresistible; fortified, as the committer of the fraud will be, with the conviction that he cannot be detected, and that if he keeps his counsel, his dishonesty can never be exposed? This would be the case, even now; but a year or two hence, when the skilful and ingenious Chinese will have been apprized of the advantages of preparing the several kinds of teas, on purpose to deceive the inspectors here, all the teas imported for general consumption will be brought to England under the lower class denominations, for the sake of profiting by the lower duty; and dishonesty in dealing, and frauds upon the revenue, will thus be engendered and encouraged by our own imprudent legislation. If we add to this, the consideration, that the importation of tea is no longer to be confined to the port of London, that each outport will have to be provided with its own inspector, with whom alone will rest, without appeal, the decision of which is congou, and which is bohea;—if we consider, that on the cargo of a large ship, in which, for many reasons, it will be for some time advantageous to import the tea, a difference of the duty between bohea and congou would amount to 10,000*l*., all of which might be saved by the mere decision of the inspector, on so uncertain a standard as shade of colour—peculiarity of flavour—or even still more capricious tests of taste,—it must be admited, that greater temptations to fraud can hardly be conceived. This scale of the Government is clearly impracticable, and must be abandoned. Let us see, however, what remedy the merchants of the city of London propose. They recommend the abandonment of the highest and the lowest duty; and the retention of the middle one only, of 2*s*. 2*d*. on the pound, for every description of tea, so as to form one uniform rate of charge on all. This, no doubt, has simplicity in its favour, and as far as the saving of trouble, and preventing fraud can recommend it, it is deserving of attention. But surely the House of Commons will never countenance any thing so unjust, as that the tea for the poor man's family, the original cost of which is 9*d*. per lb., shall be taxed at three times its value, or 300 per cent., by the duty of 2*s*. 2*d*.; while the tea for the rich man's family, the original cost of which is 7*s*. per lb., shall be taxed at only one-third its value, or 33 per cent. by the same duty of 2*s*. 2*d*. If it sanctions such a scale as this, it will belie all its professions of a regard to the interests of the poor; it will contradict all its admiration of the true theory of taxation, that the contributions made to the revenue should be in proportion to the means of those who contribute; and it will bring down upon it the deserved condemnation of the country. The only public objects we should have in view in the contemplated change should be, to secure the full amount of the revenue which we may think fit to derive from this source, from all diminution by fraud; to make the duty proportioned to the value of the article on which it is imposed; and to offer no temptation either to the smuggler or to the dishonest dealer. To combine these objects, then, I will venture to suggest a plan, which differs both from that of the

Government, and that of the London merchants, confident that, upon examination, it will be found to combine all the advantages of both, while it will possess the defects of neither. It is this:—"1. That the importation of tea from China should be confined to those ports only which will undertake to provide bonded warehouses for its reception; and whereever the population is considerable, and the ships numerous, the means of erecting such warehouses can be easily obtained.—2. That at such ports all teas imported should be landed and lodged in these bonded warehouses only.—3. That periodical sales of such teas as the importers choose to draw from the bonded warehouses should be made by public auction once a month, on some fixed day, under the superintendance of the Customs, and the duty being *ad valorem*, whether fifty, or seventy-five, or one hundred per cent. on the actual price produced at the sale, would be payable by the purchaser at the time of his withdrawing his teas from the warehouse." This is a mode by which all uncertainty as to classes and qualities would be obviated; by which all temptation to fraud would be shut out, nay, rendered impossible; and by which, at the same time, these two vast advantages would be united;—that the revenue would be collected with the greatest certainty and the least expence; and each description of tea bearing an *ad-valorem* duty according to its price, the consumers of the costly tea would pay the heavy duty, the drinkers of the middle qualities would pay the moderate impost, and the purchasers of the cheapest tea would be most lightly taxed of all. As to the practicability of its working well, we have the experience of upwards of a century in its favour; this being the manner in which the duties on tea have been collected during that space of time—with constant commendation of its simplicity, certainty, and economy. There is one consideration of this great question, however, which has been wholly overlooked, both by the Government and the House of Commons, though it is, perhaps, the most important of all. It is that of seeking how we could augment the consumption of tea beyond its present quantity. Now, what is the actual state of the case? At the present moment, the consumption of England, Scotland, and Ireland, is thirty-three millions of pounds weight, and as the population of the three countries is estimated at twenty-five millions of persons, this makes an average consumption of about one pound and a-quarter of tea per head per annum. Every one must admit this to be a miserable pittance, compared with what would be consumed, were it not that the high price, and the high duty, combine to make it so dear, that even the most respectable families are niggardly and parsimonious in the careful doling out of tea, though profuse in every thing else because of its high price, while thousands are debarred the use of it at all because it is beyond their means of purchase. If, then, by a reduction of the *ad-valorem* duty from 100 to 75 or 50 per cent, the consumption could be doubled in quantity, as well as augmented in the better qualities at the same time—and there are really no persons who would not drink either more, or better tea, if the price were greatly reduced — what would be the effect? Undoubtedly this, that twice the number of British ships would be employed in importing the tea from China, a change which would give more relief to our shipping interests than any other single measure that could be named; and that for every additional cargo of tea imported from China, an additional cargo of British manufactures would go out to be consumed among the millions of that country, instead of the opium cultivated under the monopoly of the India Company, and the silver drained from the revenues of Bengal, which have hitherto been the materials with which the teas have been paid for at Canton. Our manufacturers would therefore receive as great an advantage from the augmented consumption of tea, by the demand for their productions in exchange as the shipping interest would be benefitted by the increased employment of their tonnage for its conveyance; and, therefore, in every point of view in which it can be regarded, this end is worthy the attention of his Majesty's Ministers. With these views, Sir, I beg to urge upon their attention the propriety of relinquishing their own cumbrous and impracticable plan, and at the same time of rejecting the more simple, but still more unjust plan, proposed to them by the city of London; and either themselves to reconsider the subject, with a view to some revision emanating from their own hands, or if that be difficult or disagreeable, to confide the new arrangement to a Select

Committee of competent persons, before whom the details may be discussed, and some general measure founded thereon, which shall give satisfaction to the country, and combine all the advantages of simplicity, practicability, and, above all, of fairness and justice to every class engaged either in the importation, sale, or consumption, of this wholesome and agreeable article of almost universal use.

Mr. *Poulett Thomson* thought it was not quite fair to discuss the subject of Tea-duties on the presentation of a petition, but as so many Gentlemen had thought fit to do so, he must say something on the subject. The hon. Member who had just sat down, had suggested a plan which he could assure that hon. Gentleman was not a novelty, for it had been maturely considered by the Government. The hon. Member had a perfect right to consider his intended plan, and other hon. Members had a perfect right to consider and propose their plans; but he thought the House ought, in looking at the subject, specially to consider the principle on which the particular plan was grounded which had been proposed by his Majesty's Government, and which had been brought under the consideration of the House by the petition of his hon. friend. It was with reference to that, that he should advert to the three schemes which had been alluded to, namely, of one single duty, of two or three different rates, and of *ad valorem* duties, and he would show how they bore upon the present plan. The principle upon which the Government acted was not to lose any revenue by the alterations which they proposed, and, therefore, it became necessary to consider not only how to give the consumer tea at the cheapest rate, but also how to avoid any loss to the revenue. He stated that, because it might account for some of the faults which hon. Members had found with the proposed scale. But the Government having to start upon that principle—not to abandon any revenue—were obliged to fix upon such a scale as would give the same amount of revenue they at present received. In the discussion of the subject, that should not be lost sight of; and it would be found incompatible with the proposed scheme of the hon. member for Sheffield, and with the scheme of the single unvarying duty. The hon. Member for Middlesex had stated that the measure was adopted in a hurry. The fact, however, was, the subject had received very great consideration from his Majesty's Government. The hon. member for the City of London had said, that the subject ought to have been settled after communication with practical men. He could assure the House, that there had been many such communications. There had been deputations from the outports—gentlemen extensively engaged in the trade in London—deputations from tea-brokers again and again; and the three plans, the *ad valorem* duty, the rated duties, and the fixed duty, had been all considered; and the result of the whole was, that it was deemed most advisable to fix the scale adopted by the Government. It appeared that a great change had taken place in the opinions of some Gentlemen who had given advice to the Government on that occasion, although, he thought, that those hon. Gentlemen had no greater information now than then. When it was said, that the Government had not given sufficient attention to their recommendations, it would be found, on the contrary, that they had received too much attention. The revenue would be much more easily collected, and it would have been much more agreeable to the Government, to have a fixed duty to collect than a rated duty. But what were the grounds upon which the Government had selected the rated duty? Their object was to give the consumer of the lowest quality of tea that tea at the cheapest rate which was consistent with the revenue. No man would deny, that taking a lower duty on the lowest qualities had been adopted to enable the poorer classes to procure bohea at a lower price. But what were the arguments opposed to the Government plan? It had been said, that they had made a mistake, that the lower classes did not consume the lower qualities of tea, but that the lower qualities of tea were consumed by the higher classes. [*Cries of* "*No, no.*"] Well, then, he would ask, who consumed it? Was he to be told that no one consumed it? The House had been told by the hon. member for London, that the lower classes did not consume bohea. The hon. member for Lambeth had made a statement to show that, from the quantities of different teas which were sent to the various manufacturing towns, what he called the lower classes did not, in fact, consume that kind of tea. But what had been the state of the importation of bohea? The House were told, that the taste of the lower classes was on congou, and, therefore, that by giving bohea at a cheaper rate, they forced on the public a new taste. Now, he found, from the returns of the quantities and prices of teas sold by the East-India Company in each year during their late charter, beginning 1814-15, that the quantity of bohea sold the first year was 397,000 lbs., and of congou 21,000,000 lbs. He was aware that, in that year, the quantity of congou was unusually large, and, therefore, he would infer nothing from the sales that year. In 1815-16, there were sold of bohea, 839,000 lbs., and, of congou, 17,000,000 lbs. In the course of fifteen, sixteen, or seventeen years, the quantity of bohea that was sold had risen from 500,000lbs.to6,500,000lbs.while the quantity of congou had only risen, 1,000,000lbs. or 2,000,000lbs. That was a fact; and a sufficient answer to those who asserted that bohea was not according to the taste of the lower classes, for, it was notorious, that the consumption of tea had greatly increased among the lower classes, while it had not much increased among the higher classes, and there was no question but the largest proportion of their increased consumption was bohea. Was it not evident, indeed, that the poorer classes would use the cheapest tea? That teas might be mixed in London, and were mixed, he had no doubt, and that might account for the small quantity of nominal bohea, and the large quantity of nominal congou which were sent away from London. But, when mixed, there would be a difference in the duty of 8*d*. per lb. on such of the bohea as was mixed, and thus the price of the whole would be lowered; or, on the other hand, it would operate to do away with the practice, and, either way, the public would be benefited. The hon. member for London had stated the difficulty of distinguishing the quality of one tea from that of another, and that, by making so great a difference as 8*d*. per pound in the duty, it would be found more advantageous to import bohea at even a higher price than congou. He was aware, that when an attempt was made to have two duties on any one article, just at that point where the qualities approached nearly, and were not so easily definable as to prevent mistakes altogether, there must always be a great difficulty; but that only applied to that particular point where the qualities run one into the other, and did not do so to the great bulk of either one or the other articles. He would state a case which was very curious, but precisely similar to the present. The House knew, that there was to be a duty upon manufactured silk; and it had been thought exceedingly difficult to tell what was plain and what was figured silk. It was almost impossible to tell; and yet there was a duty upon the one of 11*s*., and on the other of 15*s*. How, then, was it decided? Did the Custom-house Officers find a great difficulty? None at all. They had the assistance of the parties in the trade, and next they had the value of the article to serve them as a guide to show under what description of quality the silks came. So also it would be with tea. There might be some difficulty with regard to the very finest bohea and the very inferior congou, but, in other respects, there would be no considerable difficulty in deciding. What evidence had the Government before them? They were told, that it was impossible to decide; that tricks of all kinds were played in China; that Chinese ingenuity would be exercised to enable the importer to defraud the revenue; and that no man was capable of deciding upon the different kinds of tea. Why, what was the case? Forty-four different samples of tea were submitted to testers in this country during the examination on the subject, and, with the single exception of one bad hit that was made, the qualities had been exactly defined in the other forty-three instances. The hon. member for South Hampshire said, the Chinese made no distinction of black teas. He (Mr. Poulett Thomson) was aware of this; but what did their practice signify for the purpose of describing them here?

Mr. *Crawford* said, he regretted the right. hon. Gentleman had not been present yesterday. As he had not, he begged leave to draw the attention of the right hon. Gentleman to the catalogue of sale of the East India Company at the last quarterly sale, in which they had classed bohea and congou tea under one head. He put it to the right hon. Gentleman to explain how this circumstance could be reconciled under the action of the new scale of duties?

Mr. *Poulett Thomson*: He was not aware that the hon. Member would have presented his petition at the morning sitting, as some petitions had been set down for the evening. The hon. Member said, in the catalogue, great quantities of tea were put down as bohea, which the East India Company stated to be congou. All the hon. Member could infer from that fact was, that it was difficult to distinguish some qualities of tea; and that it could not be easy to discriminate between fine bohea teas and low congou. He could say, however, on the authority of the brokers and other parties most experienced to whom the Government had applied, it was found to be perfectly easy to distinguish qualities. Since this matter had come under discussion, the most experienced officers of the revenue had been consulted, and they declared their firm conviction, that there would be no difficulty in collecting the duties under the new system. It was easy to imagine difficulties; but as one of those officers said, "There never was a new system tried without the anticipation of great difficulties, which disappeared as soon as the plan was put into execution." He, indeed, would be a bold man, who contended, that any system would work well before it was tried; all he contended for was, that this was an experiment worthy of trial. It would afford an opportunity of giving the consumer the chance of paying much less for his tea than he would if the object of the petition was attained, without any diminution of revenue. What had occurred in America? The duties in America an hon. Member had said were trifling. Why, they were, the lowest sixty-four per cent, and the highest, 150 per cent. The revenue arising from the consumption of bohea was 300,000 dollars; and that from the other qualities, 1,600,000 dollars. This showed that, in America, they had the power of discovering frauds, and of preventing them from being carried on to any great extent. He must confess, that he felt no small surprise to hear hon. Gentlemen making comparisons between the present measure and that proposed some time ago relative to the sugar duties, because the only reason against any discrimination of duty on sugars was the drawback. He wished to impress upon the House, though it might be hereafter advisable to change the scale of duties,—he did not deny that—that it was advisable to wait till they had the benefit of experience to guide them; and he entreated hon. Members always to recollect that the revenue must be kept up to its present amount.

Sir *Robert Peel* observed, that the House had been told, that it would be 600,000*l.* more than it was last year.

Mr. *Poulett Thomson* said, that that probably would be the case in the present year, because the East-India Company would be obliged to sell their stock of teas; but what the duty would be in another year it was impossible to foretell. He would say to those Gentlemen who were inclined to adopt the principles of his Majesty's Government, but who, at the same time, wished a change in the scale, "Wait till the experiment has been tried; and if it does not succeed, then bring your Amendment forward."

Mr. *Goulburn* never heard a measure defended on weaker grounds than the present. A false step might do much injury to the revenue; a spurious article might be introduced, and, therefore, the House ought to pause before it rushed rashly to any precipitate change. He could show that bohea tea was the article consumed by the poor. Formerly the bohea tea was so bad that it was not used; but, in subsequent years, it improved so much, that it was substituted for, and often preferred to, congou. Respecting the fraud that would extend to the country whence the tea came, as well as the country into which it was imported, it was a notorious fact, that bohea tea came to the country in congou packages, and it would be difficult to detect the imposition. How was it possible in outports, with so many difficulties to embarrass the judgment of the officer, to fix a certain standard by which to ascertain whether fraud was intended, or that the previous custom of shipping inferior tea in congou packages was merely continued? He (Mr. Goulburn) was an advocate for lowering the duties on tea, but he was against encouraging the introduction of an inferior article amongst the poor.

Mr. *Walker* said, for many years the duties on tea in America were divided into five classes, varying from twelve to fifty cents. He wished to know, whether those duties were abolished in consequence of fraud: and he thought it desirable to have some information on the subject before adopting a scale of rated duties here.

Lord *Sandon* said, he was against the present plan of Ministers. In Liverpool, and elsewhere, it was thought better to return to the former system of *ad valorem* duties.

Mr. *Charles Grant* could not admit,

that the subject was new to the merchants of Liverpool, because free trade had been for years an universal topic. As to periodical sales in outports, recommended by the hon. member for Sheffield, it was found to be impracticable.

Sir *Robert Peel* adverted to a letter, dated March, 1824, stating, the undersigned merchants considered the samples tried to be not a fair judgment of the question at issue between the Government and the trade; the taste of the teas resembled each other so much, that they could not distinguish the difference.

The Petitions were laid on the Table.

CHURCH RATES.] Mr. *Divett*, in bringing forward the Motion of which he had given notice at the close of the last Session of Parliament, and which he had felt it his duty to renew this Session, relative to the payment of Church-rates, felt that, as an inexperienced Member, he must claim the indulgence of the House; and he was sure that that indulgence would be afforded to him, as it was to all those who seldom trespassed at any length. When he first directed his attention to the compulsory payment of Church-rates, he had strong feelings on the subject of their impolicy; and in the course of the last few months those feelings had been increased ten-fold, by what he had seen passing in every part of the country. He was quite aware that it might be said, that he was hardly justified in bringing this matter forward after the notice which had been given by the noble Lord, the Chancellor of the Exchequer. He could assure the noble Lord most sincerely, that he was actuated by no want of courtesy towards the Government, of which the noble Lord was a member. With the friendly disposition he entertained towards that Government, he could not show any feeling of distrust; but circumstances had lately arisen which made him anxious to procure that relief, which he considered the grievances of the Dissenters essentially demanded. It was time, that the opinion of this House should be so decidedly expressed upon the subject, as to enable it to bring it to a satisfactory and final conclusion. He might here state, that the subject which he was going to bring under the consideration of the House, was exclusively that of Church-rates; but it was connected with many other of the grievances under which the Dissenters laboured; and was mixed up with the question of Church Reform. To remedy one of those grievances a Bill had been brought in by his noble friend, the Paymaster of the Forces; but he did not know, that there was a determination on the part of the Government to carry that measure to a conclusion. Another reason why he brought the matter forward was, that the noble Lord at the head of his Majesty's Government was reported to have said, in another place, that he would resist the abolition of compulsory payment of Church-rates as strenuously as he would resist the separation of Church and State. No man was more anxious than he was to preserve the union between Church and State; and he deeply regretted, that the noble Lord had made this declaration, because it was one very likely to forward the object which the noble Lord deprecated. He regretted, that this subject had not fallen into more able hands,—the hands of those who, with experience of the forms of the House, would be fully able to do it the justice it deserved. He wished that it had fallen into the hands of the noble Lord, the Paymaster of the Forces, for that noble Lord, in bringing forward a Motion of this sort, would be only following up those principles which he had advocated in the early part of his political career, when he had shown himself a zealous and eloquent promoter of the principles of religious liberty. If he regretted to see that noble Lord amongst the members of his Majesty's Government, it was because he was thereby prevented from following up those principles which, in the early part of his life, he had so strenuously advocated. Every hon. Member must be aware that, in the course of the last few months, there had been an increasing disposition on the part of the people to avoid the payment of Church-rates,—a feeling which had been growing up for many years. It had arisen in consequence of the increase of the impost, but still more in consequence of the continual and great increase of Dissenters. To what cause it was to be attributed, he would not stop to inquire, though it was, no doubt, greatly owing to the measures which took place as far back as 1819. In that year, an Act passed granting 1,000,000*l.* for the building of churches and chapels. That million coming from the general revenue of the country, was paid equally by Dissenters and Churchmen. But, besides this, in many districts, there was a great increase of parochial taxes to keep up the churches. He need hardly say, that was strong ground for complaint on the part of the Dissenters. Perhaps it was right that he should state to the House the amount of the Church-rates. In the return of the local taxation of the country, for the year ending the 27th of March, 1827, the Church-rates were stated to amount to 564,000*l*. This, he could prove, was the sum which had been levied; and the House would perceive that it formed a very important item in the whole amount of the local taxation of the country. There was another return on the Table of the House, stating the amount of Highway-rates and Church-rates, for the year ending March, 1827. The total expenditure for local taxation was 9,489,687*l*. The next return was of a more recent date, and went more into detail. It appeared from that return, which related to the years 1830—1831, that the total sum expended for purposes connected with the Church in that year, amounted, in round numbers, to 645,000*l*. Of this amount a considerable portion arose from estates, pew-rents, and fees; but no less a sum than 554,000*l*. was raised by that description of taxation to which he was about to call the attention of the House. The account of the expenditure of this money did not go into as much detail as he could wish; but it appeared, that the cost of the repairs of churches was 248,000*l*.; organs and bells, 41,000; books and wine, 46,000*l*.; salaries of clerks and sextons, 126,000*l*.; and for sundry other purposes, 184,000*l*. Now, this appeared to him to be a seriously extravagant amount of taxation. Part of these expenses could not now be enforced by law; but a portion of them remained in full force; and the whole were not only disgusting to the feelings of the Dissenters, but extremely prejudicial to the best interests of the Church itself. He might be asked, with great propriety, how he proposed to remedy the existing evils? His own opinion was, that no man could be justly charged for the support of a religion to which he dissented; and, therefore, the principle upon which money should be raised for the necessary expenses of the Church was exclusively that of voluntary contribution. But it would be said, that it was impossible to maintain the Church by such means. To disprove that assumption, he would refer to the case of the Dissenters, who had 8,000 places of worship; and for their maintenance they did not raise in any year less than a million. Surely, if the Dissenters could effect this, the members of the Church of England might be called upon to do something also for the support of their religion. The Dissenters not only contributed the sum which he had mentioned for the support of their places of worship, but their subscriptions, for missionary and other purposes connected with religious and moral improvement, exceeded those of the Established Church. Another unobjectionable mode by which the necessary funds might be raised, was by pew-rents. In a vast number of churches in the metropolis large sums were raised in that way. In parishes where the congregation was small, this plan could be very easily adopted. He was aware that the farmers of England were at this moment labouring under considerable distress; but he was sure, that those persons very much under-estimated their sense of religion who doubted that they would liberally come forward, if these compulsory payments were done away with, to maintain the places of worship established by their ancestors. He knew that this question was attended with many difficulties; but, in dealing with it, he thought it absolutely necessary to separate the question of Church-rates from that of tithes. He was aware, that some persons conceived that to attack the principle of Church-rates was to attack also the principle of tithes; but that such a construction could justly be put upon the proposition which he brought forward, he must beg leave to deny; and, if it could, he must assert, that he would not be instrumental in promoting a measure of that nature. He was anxious to do away with the compulsory payment of Church-rates; but he was equally anxious to preserve the property now held by the Church, and to make it available for the promotion of sound religion. Another source, besides the voluntary means he had alluded to, from which he would propose to raise the necessary funds, was the cathedral lands. There was a very great jealousy in the public mind touching any incomes connected with the Church. He did not attack the Church; but he said he thought it important that many of the foundations destined for its support should be rendered more effectually available for that purpose. The sums stated as belonging to these foundations were about 300,000*l.* per annum. They were devoted ostensibly to the purpose of keeping up the celebration of Divine Service in collegiate churches. He could mention an instance of one collegiate church, with which he was well acquainted, namely, that of Exeter, where, he was informed, the annual income was nominally 12,000*l.*; but a friend of his, who knew the value of the property, assured him that, if it were let at rack-rents, it would produce 70,000*l.* a-year, instead of 12,000*l.* An Act of Parliament had been lately passed to enable a lessee under the Bishop of Bath and Wells to purchase the property in fee-simple. Large sums of money might be raised in this way. He now came to a very important point of his argument. In looking at certain accounts, he was astonished to observe the progress which dissent had made of late years. In many towns, the Dissenters outnumbered the members of the Church of England. In the principality of Wales, there were more dissenting places of worship built than there were churches belonging to the Establishment. From a return which he held in his hand, it appeared that, within the six months which ended the last year, the Dissenters of that part of the empire raised a sum of 17,000*l.* towards clearing off the debts which they had contracted, and that, within the next six months, it was expected a sum would be raised equal to the discharge of the whole demand. He had likewise a return, showing the state of two parishes in Monmouthshire, having a population of about 16,000, in which parishes, within a few years, twenty-three places of dissenting worship had sprung up. In the year 1765 there were but two such places of worship in those parishes. In 1806, there was one more. From 1821 to 1828, there were seven built. In 1829, three were erected, and one more in 1830. He wished to call the attention of the House to the oppressive character of the Church-rates, as they affected Dissentérs, and to impress upon the minds of members of the Church of England, that, by showing a conciliatory spirit to their dissenting fellow-subjects, they would best promote the interests of that Church to which they were attached, and contribute to its stability hereafter. In almost all parishes, particularly in large towns, there was at present a bitter feeling of hostility entertained by the Dissenters towards the Church of England. He believed it was yet possible to do away with the acrimony which existed. He would entreat the House to direct its constant attention to this subject, and to take warning from what had occurred in former times. There had never been a time when the Church was apparently stronger in the support of a great portion of the people of England than at present; but there had never been a time when there were greater apprehensions that inroads might be made upon it. It took a long time to bring the principles of civil and religious liberty to maturity. From the time when the civil and religious liberties of this country were established, nearly two centuries elapsed before they were placed upon a solid foundation. He had a strong hope that it would not be long before every grievance of which the Dissenters complained would be removed. One grievance of which the Dissenters loudly complained was that respecting admission to the Universities. Within the last few hours, he had received a communication, that, out of 150 resident members of the University of Cambridge, fifty had signed a petition in favour of the claims of the Dissenters. At Oxford, likewise, a great change had taken place in the general feeling. In 1829, a right hon. Baronet (Sir Robert Peel), whom he did not see in his place, yielding to a stern necessity, which was completely beyond his control as a statesman, felt it his duty to make a great sacrifice, and to give up his personal opinion on the subject of the Roman Catholic claims. For that the University rejected him; but now it had elected as its Chancellor — because, he supposed, it could not get any one to represent its feelings better—a noble Duke, who had been at the head of the administration to which the right hon. Baronet then belonged. He had already stated, that he brought this question forward from no feeling of hostility to the Established Church. He was a churchman himself, and, he hoped, a sincere one. He wished to preserve the Church in harmony with every class of the community. He wished for the removal of every grievance under which the Dissenters laboured, in order that such a union should be formed as would best promote the interests of all. There was one subject to which he would allude before he sat down, as he considered it a great obstacle to the reform which he wished to see introduced. He alluded to the indisposition of the Church to give up the fees to which it was by law entitled. He could mention an instance in which these fees were a source of great vexation. In 1827 an Act of Parliament was passed for establishing a general cemetery in London, and a clause was introduced in that Act which provided that no individual should be buried there until fees had been paid to the rector of Marylebone. He really thought provisions of that sort were highly inexpedient, and he hoped the House would take the whole question up and legislate upon sound and comprehensive principles. He concluded by moving, "That, in the opinion of this House, it is just and expedient, that effectual measures should be taken for the abolition of compulsory payments of Church-rates in England and Wales."

Mr. *Hall* seconded the Motion, and observed, that it was founded in equity and justified by experience. The constitution of the Church now occupied so much of the consideration of all men, that it was natural the Dissenters should look to their own interests; and they showed that they were doing so, because they were presenting petitions, praying for the removal of their grievances. He was aware that, in some instances, they prayed for the total separation of the Church from the State; but, from his knowledge of the Dissenters, he was convinced that they were more anxious for the removal of the practical grievances under which they laboured. The first of those grievances was the payment of Church-rates; and he hoped, as the question had now been brought forward, and as there must soon be some positive decision, whether in reference to the Motion of his hon. friend, or with respect to the measure of which the noble Lord opposite had given notice, the House would do the Dissenters that justice to which they were entitled. The progress of dissent was very rapid, and in no part of the country greater than in that with which he was connected. His hon. friend had stated, that in two populous parishes in Monmouthshire there was but one dissenting place of worship, and that between the years 1809 and 1830, there was an increase of not less than twenty-one to the number. He had also an account, stating that, in two other parishes, containing a population of 16,000 souls, there was accommodation at the Dissenters' places of worship, in one parish, for 12,484 persons, and in the other, for 4,725; so that altogether there was accommodation prepared for about 1,200 more than the population. The expense, which amounted to 11,500*l.*, was paid by voluntary contributions amongst the Dissenters. In addition to this, the Dissenters were compelled, as his hon. friend had said, in many instances, to re-build churches, or to build new ones. It was said, that the abolition of Church-rates would be only a stepping-stone towards the separation of Church and State; but from that assertion he differed. The question of Church-rates was totally distinct from that of tithe. Unless something were done in the case of Church-rates, they would be a source of the greatest injury to the Church of England. On the western side of the county of Monmouth no less than three-fifths of the population dissented from the doctrines of the Church of England. A very great sensation had been produced amongst the Dissenters by what was reported to have been said in the other House of Parliament by a noble Earl at the head of the Government, who was represented as having declared, that he was prepared to defend the existence of Church-rates as warmly as the continuance of the connexion between Church and State. He hoped that, whether the noble Lord and the Government were now prepared to assent to this proposition, or to bring forward their own measure—he hoped and trusted the Dissenters would see, that the House had taken up the question, and was willing to go into it with an anxious wish to consider its merits, and to put them upon a fair footing as regarded the exercise of their religion.

Lord *Althorp* said, that before he replied to any other part of the speeches of the hon. members for Exeter and Monmouth, he must apply himself to that point introduced by the hon. Gentleman who had just sat down, at the conclusion of his speech, with respect to what was alleged to have been said by his noble friend (Earl Grey) in his place in the other House of Parliament. It was stated, that his noble friend had declared, that he was prepared to defend the continuance of Church-rates as much as the continuance of the connexion between Church and State. Now he was perfectly satisfied that it was quite impossible his noble friend should have made such a statement.

From his knowledge of the opinions of his noble friend, and his knowledge of the opinions of his Majesty's Government generally, he was satisfied it was utterly impossible that his noble friend could have actually made that statement in the other House of Parliament. This was the only contradiction he could possibly give to the statement. Not being present in the House on the occasion in question, he could not speak positively as to the terms used. With regard to the proposition made by the two hon. Members, he need not remind the House as the hon. Gentlemen had reminded it, that he (Lord Althorp) had given notice of a Motion on the subject. He should not, therefore, think it necessary to go into the question of Church-rates on the present occasion, further than to say, that he concurred entirely with the hon. Gentleman in believing that the question of Church-rates rested upon a very different foundation indeed, from that of tithes; but, hoping, as he did, that the measure which he should have the honour to propose would prove satisfactory to the House,—sure as he was, that it ought to give satisfaction,—and believing, that it would, he hoped and trusted that this notice being on the books of a measure to be brought forward by his Majesty's Government, not in the shape of a Resolution, but as an effective practical measure, Gentlemen would see, that it was not desirable at present for the House either to affirm the principle proposed by the hon. Gentleman, or to negative his proposition. It would be his duty, therefore, on the Motion of the hon. Gentleman, to move the previous question. But the hon. Gentleman had entered into some statements of the case of the Dissenters. The hon. Gentleman had alluded to other grievances under which the Dissenters laboured; and, therefore, in the present state of this question, and of the country, it was desirable that he should not be entirely silent upon the different points to which the hon. Gentleman had alluded. The subject which the hon. Gentleman who had last spoken most properly placed first amongst the general grievances under which the Dissenters laboured, was the payment of Church-rates; then came the subject of marriage; and thirdly that of a general registration; and although this matter concerned every class of the community, yet he was ready to admit, that the want of a general registration pressed more heavily upon the Dissenters than upon the members of the Established Church. The fourth point, of which they complained was that which related to their exclusion from the Universities. These were the main points which were urged on behalf of the Dissenters. There was, also, as he was reminded by an hon. friend near him, a complaint with regard to burial in Church-yards without the ceremonies of the Church. He would state frankly his opinion upon the last of these questions first. He need not remind the House, that there was a very strong feeling amongst the people of this country on the subject of the burial of the dead; and, therefore, he certainly thought, if any other remedy for the grievance could be devised which should not interfere with the feelings of the people with respect to the burial of Dissenters in Church-yards, it would be desirable to avoid legislating on the subject. With respect to the establishment of a general register, he had already, on a former occasion, stated, that it was the anxious wish of his Majesty's Government to form such an establishment. His noble friend, the Paymaster of the Forces, had submitted to his Majesty's Government a plan which he thought would be effectual, but upon looking at that plan, and considering the subject in the best way they could, they were of opinion that if they attempted to carry it into effect, with the machinery which at present existed in the different parishes, such a registration would not be satisfactory; and if they attempted to form other machinery for the purpose, the expense would be so great that it would be impossible to propose such a measure to the House. Since then a notice had been given by his hon. and learned friend, the member for Southwark, of a measure on the subject. He knew not what was the principle of that measure. He should be glad if his hon. and learned friend could overcome the difficulties which, with the existing machinery, appeared to him insurmountable. But although he thought with the machinery now existing it would be difficult to establish a complete system of registration, yet he hoped that in another measure, which it would be the duty of his Majesty's Government to propose during the present Session, the machinery which was to be employed might be applied to the purposes of general registration. The great difficulty was in appointing officers for the purpose of registration. That was likely to be attended with an enormous expense; but if the officers appointed for other objects could also be employed for that duty, he hoped the object might be accomplished without any extravagant expense. He could only say, that his Majesty's Ministers, being of opinion that the greatest advantage would arise to the country from a general registration, would apply their most anxious attention to the subject, and he had a full hope that they would be able to effect the object. With respect to marriage, his noble friend had introduced a Bill which he was aware had not given satisfaction to the parties for whose benefit it was intended. He maintained, that this measure could not be arranged in a completely satisfactory manner, without being founded upon a general system of registration. But his Majesty's Government, finding the difficulties they had to encounter in proposing a general system of registration to be so great that they could not overcome them, thought it desirable to propose a measure relating to marriage only. He was aware that objections had been made to the Marriage Bill brought in by his noble friend (Lord John Russell), and if those objections continued on the part of those for whose relief the Bill was intended, it certainly would not be the policy of the Government to persevere in it. The next point to which he had to advert, was that of the admission of Dissenters to the Universities, and upon this subject he had heard that many members of the University of Cambridge were in favour of such a measure. He was happy to say, that he knew the fact to be so, for a petition had been sent up to that House pretty numerously signed, and with some eminent names attached to it, praying that Dissenters might be so admitted. As far as their admission to the University went, he could see no objection to it. It would be affording a great relief to the Dissenters, while, at the same time, it would be advantageous to the Universities, and could not be injurious to the Established Church. He looked, therefore, at this subject with considerable anxiety; he wished to see it accomplished: but seeing, that in one University, there was a strong feeling in its favour, and having hopes that by some delay it might be accomplished with the concurrence of both those learned bodies, he thought the best way would be, not to press it forward too eagerly. He hoped, therefore, that the measure would not be urged, that it should not appear to be forced upon the country until it could be done in the best possible way—that way, in his opinion, being with the concurrence of the Universities. He had stated thus much, because he thought it right that the views of Government upon the subject should be known at the earliest possible period. He should not enter into the question of Church-rates at present, as the proper time for doing so would be when he should bring forward the measure which was in the contemplation of the Government. Under these circumstances, he should move the previous question, as an Amendment to the Motion of the hon. Member.

Mr. *Wilks* said, that the Dissenters would feel themselves obliged to his hon. friend the member for Exeter for the line of conduct he had pursued on the present occasion. Several of the explanations of the noble Lord who last spoke would not be, he feared, so satisfactory to the Dissenters and to the country as he, who desired the stability of the present Government, could have wished. He was, however, pleased that the noble Lord had mentioned, that it was the wish of his Majesty's Government to afford the Dissenters every facility in their power. He begged to impress upon his Majesty's Government the fact, that the great mass of the people of England sympathised with the Protestant Dissenters, and that many of the most enlightened members of the Established Church thought, that the Dissenters were not captious in their demands or complaints. Whilst he confessed himself grateful to his hon. friend for the way in which he treated the question, he could not help, on the part of the Protestant Dissenters, taking the liberty of requesting his hon. friend not to urge on the discussion at present, and thereby endanger or delay its final success. He thought that, after what the noble Lord had said on the part of the Government to which he belonged, it would be better not to press the abstract question, but wait until they saw what was to be the nature of the noble Lord's proposition. The House would coincide with him, that it was desirable to suspend all further proceedings until they saw whether the proposed measure was as just as the noble Lord anticipated, and as satisfactory as was expected and desired.

Before he concluded, he begged to mention one important circumstance. The question at issue was not one of amount, but of principle. The whole sum paid in rates of this description yearly by Dissenters and others did not amount to more than 600,000.*l*, of which not more than 200,000*l*. went for repairing of Churches. When it was considered on what a great number of populous parishes these rates were levied, it would be seen that their pressure must be comparatively insignificant. The Dissenters therefore objected to the demand on principle, and in their behalf he would appeal to the candour of the noble Lord and to the liberality of his Majesty's Government, if they wished to make their proposed measure satisfactory to the great body of Dissenters, to introduce into it a clause or clauses, to exempt them entirely from the payment of Church-rates.

Mr. *Goulburn* did not wish to interfere at present with the object which the hon. Mover had in view. He did not rise to enter into the question, whether it was fitting to abolish Church-rates or not, nor did he present himself to the notice of the House with a view of discussing the propriety of the measure which the noble Lord stated was in the contemplation of his Majesty's Government. He rose in consequence of an important point to which the noble Lord adverted, and he did so, lest, if he offered no observations upon it, he should appear to acquiesce in the noble Lord's proposition. The point he alluded to referred to the admission of Dissenters to the Universities. He did not know until very lately, that any members of the University of Cambridge had petitioned that House upon the question alluded to. He had not seen the Petition in question, nor, indeed, was he thoroughly aware of its existence until he had heard it spoken of by the noble Lord. Such being the fact, he dared not presume to impugn the motives of those who signed the petition. But if the noble Lord, upon the faith of this petition, would tell the House, that one of the Universities, namely, Cambridge, was in favour of the admission of Dissenters, he would willingly take it upon himself to get the great body of that University to disprove the assertion that they were favourable to the admission of Dissenters into the Universities. If it were at all possible, and he was very far from thinking that it was, to carry this point in concurrence with the Universities, the question would then, admitting this improbability, assume quite another shape. For this reason he thought it better for him to reserve all further observations for a future occasion, and at present say not one word more upon the point.

Sir *Robert Inglis* should not have spoken upon the subject, had it not been for one observation that had fallen from the hon. member for Boston; and he hoped that, as the House had listened to the remarks of the right hon. Gentleman near him, the member for the University of Cambridge, it would also for a few minutes extend its indulgence to him, who had the honour of representing the other great University. The hon. member for Boston had said, that this was not a question of money, but one of principle; and he also stated, that the Dissenters would, by being exempted from rates, be relieved only from their share of the annual payment of 600,000*l*., out of which 200,000*l*. was employed for the repair of churches; and that, when this payment was divided among so many parishes, it could not be their wish to be merely relieved from pecuniary burthens. They must have some other object in view. No doubt they had; and he would ask the House, therefore, whether their object was not the humiliation of the Established Church, and whether they were not endeavouring to bring down that Church to the same position in which other sects were now placed? He begged to ask the House, whether they were prepared for this, and whether they wished to make a sacrifice of the union that at present existed between Church and State? It was because the Dissenters considered that the payment of Church-rates was a recognition of the Established Church, and of its connexion with the State, that they desired to get rid of them. It was self-evident that such was their motive. He had lost the greater part of the speech of the hon. member for Exeter; indeed he had only heard a few of the last words of it, and those related to the connexion between Church and State. It seemed to him that on this point the hon. Member was in error. With respect to the admission of Dissenters into the Universities, he hoped the noble Lord opposite (Lord Althorp) would reconsider the declaration he had made to the House respecting the feelings of one University in favour of the Dissenters. The petition from Cambridge had been made a great deal of; but he would say, that not a third of the members of that University had concurred in it. Since all must admit that two-thirds were greater than one-third, no one could say, that the petition alluded to expressed the feelings of the members of the University of Cambridge, or that that body was favourable to the admission of Dissenters. He had so frequently discussed the principle of Church-rates that he would say little more about them now, than repeat, that they were, both in Ireland as well as in this country, a tax upon property. He would ask the hon. member for Boston, whether he did not think so; and whether, when he was taking the house he at present occupied, he did not take Church-rates into the account as well as tithes, and every other species of tax upon that property? When the proposed Bill was brought before the House, he should discuss the question more fully, and at that time would not further trespass on the House.

Mr. *Briscoe* agreed, that it would be better that such a measure should emanate spontaneously from the members of the Administration, than have the appearance of being forced upon them. He should, however, take that opportunity of recording his own conviction of the impolicy and injustice of requiring from the Dissenters the payment of Church-rates when they erected, entirely at their own cost, their own chapels, and supported their own ministers. They had, besides, rendered eminent service to the State, by affording instruction and religious consolation to a large portion of the country. He trusted, therefore, that the measure in contemplation of the Government would prove satisfactory, and give complete relief to the Dissenters.

Mr. *Baines* regretted, that any objection should exist to the admission of Dissenters to the Universities. He could not conceive why they should not be allowed to participate in the benefits of these Universities, seeing they belonged to the same community. He could not forget, that there was a time when the Protestants themselves were interdicted from education in these Universities. He could not forget, that the representatives of the Universities at that period might have risen up and declared that no Protestant ought to be admitted. Happily those days had passed away, and he trusted more liberal days had arrived. He hoped much from the annunciation of the noble Lord, and ventured to anticipate, that, ere long, the Dissenters would be admitted to all those advantages without entertaining a wish to infringe on the benefits due to the Church of England. Dissenters had no wish to deprive the Church of its benefits, but at the same time they felt it hard to be excluded from the University honours, as was the case with a member of his own family, who was obliged to forego the benefits of the institution because he could not take the test necessary as a qualification. He agreed with the hon. member for Boston as to Church-rates, that the principle was the consideration, and not the amount of the money; and he hoped, therefore, the measure contemplated by the Government would not fall short of relieving the Dissenters altogether from this impost; for if it fell short of that, the Dissenters would not be satisfied. With respect to the Bill for regulating Dissenters' marriages, he had no doubt but that it originated in the best intentions; but still the Dissenters were dissatisfied with it, because they could not consent to remain upon a footing inferior to their fellow subjects, by getting from another Church a rite which they should have from their own. If the noble Lord had allowed the bans of marriage to be published in Dissenting chapels instead of in the churches of the Establishment, he thought the measure would be unobjectionable, because it was going to the Established Church to render an account of all marriages, that the Dissenters chiefly objected to. He hoped, that the objectionable parts might yet be obviated, and he believed the best wishes existed with the Government to satisfy the Dissenters; for no body of men in the kingdom had done so much service for the present Government as the Dissenters, who had consequently a right to look to Government for support. He could not consider the claim of Dissenters to burying according to their own rites in Church cemeteries as any great hardship upon the Established Church, for the Dissenters were called upon to pay their share for the ground; and it was not, therefore, unreasonable that they should be allowed to bury their dead according to their own rites. It was the wish of the Dissenters to keep up a good understanding with Ministers, and he trusted the latter would render the measure in contemplation unobjectionable, Mr. *Sinclair* agreed with the hon. member for Boston, that this question was one of principle, and the principle seemed to him to be this, shall there, or shall there not, be a Church Establishment? If all who dissented from its communion were to be exonerated from contributing towards keeping up the edifices in which religious rights are celebrated according to the forms of the Established Church, on what ground could they be called upon to concur in defraying the maintenance of its Ministers? It was urged, that the Dissenters were subjected to the expense of erecting and keeping up their own places of worship: was it not equally true that they supported their own clergy? Might they not, therefore, on a similar ground, and with equal justice, claim exemption from paying any share of the incomes which the law assigned to the Episcopal incumbents of this land? He felt quite persuaded, that the one demand was only the forerunner of the other, and would be urged with still greater force and plausibility, when the concession, now insisted on, should be made good. He considered that the property of this country, whether belonging to Dissenters or to members of the Church, had, from time immemorial, been liable to this impost, and, without at present entering further into the consideration of a subject, on which discussion had better be waived until a future opportunity, he should express his opposition to the Motion of his hon. friend, because he thought it militated, in an alarming degree, against the principle of maintaining an Established Church in this country.

Mr. *O'Connell* thought the question one entirely of principle, for no Christian sect ought to be called on to pay for the religion of another Christian sect. It was only the principle of common sense and of common justice. He was sorry the Universities were not open to the Dissenters. In the University of Dublin they had a case in point. Catholics had admission there for some years, and Dissenters were admitted long previously; and yet the Established Church had still all their usual advantages from that institution. The exclusion from the Universities was a superfluous insult to the Protestant Dissenters. These exclusions ought to be done away with, and if the Dissenters would only act for themselves, and make use out of the House of their influence so as to show Ministers what they had to fear from them—if they would only make "a long pull, a strong pull, and a pull altogether," they would obtain more than ever they could expect from their courtesy towards the present Government.

Lord *John Russell* rose for the purpose of addressing a few observations to the House in reply to what had fallen from the hon. member for Leeds as to the manner in which Government had received the complaints of the Dissenters. The hon. Member said, and said truly, that the Dissenters were the warm friends and supporters of civil and religious liberty. He acknowledged with pleasure, that he had always found them ready to support principles of Liberty and aiding those who were her friends. But it would be in the recollection of the House, that when he and his noble and hon. friends were out of office, it had been their constant aim to protect the Dissenters in the enjoyment of their just rights, or assert their claim from time to time in that House to all the immunities, privileges, and liberties, enjoyed by the rest of his Majesty's subjects, and that since they had been in power they had endeavoured to realise, as far as they were able, the promises they had made, and the expectations they had held out to the great body of Protestant Dissenters. The present Ministers were the friends of the just claims of the Dissenters, because they were the friends of civil and religious liberty, and they had neither been impelled formerly in what they had done, nor were they impelled now in what they were about to do, for the relief of the Dissenters, by what the hon. and learned member for Dublin had alluded to,—namely, by the fear of menaces on the part of that body—any more than they had been, in another instance, deterred by the fear of menaces on the part of their constituents, from urging the claims and advocating the cause of that religious liberty of which the hon. and learned member for Dublin himself now enjoyed the benefit. A great portion of the Dissenters, a large portion of the people of England, were opposed to the Catholic question, but the Members of the present Government supported the Catholic claims, as they had supported, and did support, the claims of the Dissenters, because they were both founded upon the two great and leading principles of civil and religious liberty. Their main object through life had been the advocacy of those principles. They were men bound together as a party for the support of those principles; out of power they had endeavoured to forward them — out of power they had succeeded in getting a great portion of the just claims of the Dissenters conceded; and now that they were in power, there surely should be no doubt and no want of confidence in them as to their bringing forward, in due time and season, the question by which the Dissenters would find, that all their claims would be satisfactorily arranged. The hon. member for Leeds had said, that the bill regarding the marriages of Dissenters had been found fault with by them, as rendering them, in some degree, subservient to the Established Church. It was unfair, on their part, to view it in such a light, and, he trusted that, on calmer consideration, they would not adhere to such an interpretation of that measure. It was not so intended—it never was framed or brought forward for such a purpose. Those who started these objections were not, he was certain, aware of the difficulties which were to be encountered by those who attempted to legislate upon a subject of so much delicacy. The objectors had referred to the case of the Quakers, who were suffered to enjoy unmolested their own forms of marriage, christening, and so forth; but they seemed to overlook the real and obvious dictinction between that class of people and the great body of Protestant Dissenters. The Quakers constituted, as it were, but one family, and were numerically a small body of people, providing, within themselves, for almost all their social wants, and regulating their respective concerns with each other by a sort of domestic government. In all these respects, there was nothing in such a people that any Government had anything to dread from leaving them the privileges of marrying and christening according to their own long-established forms. It would be a widely different thing to extend those privileges to so large a portion of the whole population as the Protestant Dissenters now formed. One obvious consequence would be, to open a fearfully wide door tc imposition; for instance, it would be in the power of any one, merely by pretending that he was a Dissenter, to solemnise marriages, without any regard to the restraints which were now wisely enforced through the medium of Church regulations upon the rash formation of such solemn contracts. Indeed, the practice, in these cases, would soon be far less reputable even than that practised on the other side of the borders by persons to whom young people, escaped from their friends, resorted to contract marriages not within their power in their own country; and a man would have only to set apart a room in his house, and adopt the pretext of being a Dissenter to enable him to inflict an unlimited injury on that part of society whose simplicity and defenceless condition ought to make them the particular subjects of the law's protection. This was the view he had taken when considering what ought to be the provisions of the Marriage Bill. The House, however, would never see a termination to these evils until they had established a national registration. To be of practical utility, it was necessary that registration should be complete, embracing all classes of his Majesty's subjects, and also that it should be compulsory. Fully impressed with this idea, he was not inclined to propose an imperfect measure, nor was he disposed to press so important a matter on the attention of the Legislature without the fullest preparation being made to insure its accomplishing these great national objects. From the information procured from various quarters in reference to these subjects, he thought it was likely, after the Poor-laws were settled, they might see their way to a general national registration next year, which should embrace all classes, and include marriages, deaths, and births, — all matters of much importance to families in ascertaining kindred, and the distribution of property. He would assure the hon. member for Boston, that if he (Lord John Russell) had many years ago, in his place in that House, felt it his duty to push the just claims of the Dissenters by every argument and effort within his reach, he would not now, when he possessed some influence, display less anxiety or zeal to procure for them every possible extension of their civil and religious liberty. In giving, however, this assurance to that body, he must accompany it, by adding, that he was, at the same time, prepared to support and uphold the Church of England as by law established, convinced, as he was, by experience, that it was a national benefit, and mainly instrumental in securing the religious liberty we had so long enjoyed.

Dr. *Lushington* was deeply impressed with the importance of the subject under the consideration of the House; but as his Majesty's Government intended to take it up, he hoped the hon. mover was not prepared to press it with breathless haste. He hoped the assurances given to night by his noble friend would give general content and satisfaction, for the present, to the Protestant Dissenters generally. The House would see that, in following the project of Government as to the proposed general registration, they would have the whole benefit of the information, influence, and weight, that Government, and Government alone, could bring to bear on a measure of such great national interest. Instead of following an isolated measure, or the mode of legislating which had been so ruinously pursued for the last fifty years, by partial acts, to meet each particular evil that pressed on a sensitive portion of society, they should act as became grave and able legislators, and anticipate, by a great measure, the growing wants of the community. He was aware, as well as most who heard him, that if it were ever brought to issue in that House, there was a majority within those walls determined to give the Dissenters the whole of their just demands. Whatever might be the fate of any Bill intended to effect that object in the other House of Parliament, they, as the real representatives of the Dissenters and the whole population of the United Kingdom, backed, as they were, to-night, by the assurance of a Minister, who never pledged his word without an honest intention to redeem it with honour, would be sure, in the end, to prevail, and ensure to these classes of religious professors that which they were strictly entitled to in the eyes of both God and man.

Mr. *Divett* rose to express his satisfaction with the assurances which had been given to the House on this subject by the noble Lord. He hailed that declaration with the utmost satisfaction, and would willingly leave the subject in the hands of his Majesty's Government. He would, with the leave of the House, withdraw the Motion.

Motion withdrawn.

GLASGOW LOTTERY.] Sir *Robert Inglis* rose to submit to the House the Motion of which he had given notice, for the appointment of a Select Committee to inquire into the origin and present state of a lottery purporting to be carried on under the authority of Parliament, and entitled the Glasgow Lottery, and into any other lotteries, foreign or otherwise, of which (since the legal discontinuance of lotteries) schemes, tickets, or shares, have been circulated in the United Kingdom. From the manner in which the announcement of the particular lottery to which he wished especially to call the attention of the House had been made, it had been promulgated to the community, that it was carried on under the sanction and authority of Parliament; yet not a single Member of the House was aware that he had ever given his sanction to the revival of lotteries in this country, and the noble Lord, the Chancellor of the Exchequer, had himself on a former occasion declared, that he was not in any degree cognizant of any measure at all tending to sanction such a proceeding having been submitted to or passed the Legislature. The noble Lord had characterised the measure in terms so strong and so just, that he (Sir Robert Inglis) might almost rely upon that declaration as the foundation upon which to rest the present Motion. The noble Lord had characterised the transaction as connected with a fraudulent proceeding. With such a declaration, that the authority of Parliament had been fraudulently obtained, he felt satisfied that the House would think him justified in insisting upon an inquiry. The title of the Bill from which the alleged authority was derived, was completely at variance with the provisions which it established. The title was a Bill for Altering and Improving certain Streets, from the Cross of Glasgow, to Monteith-row, and in its provisions the word lottery was never mentioned. Such, however, had been the case in all bills passed for the purpose of enabling parties to dispose of property by lottery, and he would instance the Bill for disposing of the buildings in Pickett-street and Snow-hill, wherein the law affecting lotteries was specially alluded to, and a clause inserted to relieve the parties from liability to the penalties to which under the old law they would be exposed. So also in the cases of the Boydel, Tomkins, and other property, but otherwise in the present instance. He did not understand the noble Lord in his remark to attribute personal fraud to the parties who obtained the Bill, to the solicitor who had framed it, or to the contractors. Neither did he make such an accusation, but he did contend that the House, with such a Bill before it, never could have conceived it possible that such a proceeding as the Glasgow lottery was contemplated; nor did he believe such a proceeding could be warranted or sustained under the Bill. He thought, however, that though the parties might have been guilty of no fraud in bringing the Bill before the House, yet they had made themselves responsible for all that might ensue under the old law passed in the reign of Queen Anne. The great object, however, he had in view, was not so much to punish any party, however improper might have been their conduct, as to prevent a recurrence of similar measures in future. If any encouragement was given by the House to such a course of proceeding, this mode of raising money, not for the fiscal purposes of the State, but for contractors, would in twenty instances be revived and repeated in the course of next year. He had heard with regret, in the course of last week, the hon. member for Sussex, and the hon. member for the city of Dublin, urge the establishment of lotteries, not for national purposes, but to carry into effect particular objects. The hon. and learned member for Dublin had claimed a lottery in aid of a ship-canal; and another hon. Member sought for similar assistance for the completion of the Thames-tunnel. However he might look with anxiety for the complete termination of the latter undertaking, yet he should object to recourse being had to such suspicious aid as that to be derived from the revival of lotteries—a system of raising money which had ceased even for fiscal purposes, and ought not to be renewed in aid of the shareholders in a tunnel or a canal at the expense of increasing a spirit for gambling, which was at once destructive of the morals of the people, and injurious to the best interests and resources of the nation. There had been transmitted to him from Ireland a circular letter, bearing the signature of the hon. member for Leominster, in which that hon. Gentleman lamented that lotteries were not more prevalent in this country. He entertained no such feelings of regret, but, on the contrary, he maintained, that if the Government entertained such a principle, instead of being (as it ought to be) the guardian, it would become the corruptor of the public morals. He had first called the attention of the House to this subject in the month of April, 1833, when the announcement of only one lottery had been made, but had not followed it up, under the perfect conviction that the whole business would be closed with that single transaction, and that therefore it would be unnecessary for Parliament again to interfere. Besides this, an appeal *ad misericordiam* had been made, and it had been represented that any parliamentary interference would be ruinous in its effects to many individuals. This information, coupled with the feeling that the evil would soon cease, had induced him not to revive the matter. But no sooner was the Parliament prorogued than new advertisements appeared, announcing a second lottery; and the House need not be reminded that a third was now about to be proceeded with. He had been informed by a gentleman who had authorized him to state his name if required by the House, that if Parliament had interposed before the second drawing, the contractors would have suffered no loss, as the contract was not completed; but now, from the implied sanction of the Legislature, consequent on its not having interposed, a third lottery had been determined upon and announced. He had stated sufficient ground he thought to induce the noble Lord, the Chancellor of the Exchequer, and the House, to accede to his Motion for inquiry: indeed, he did not anticipate any opposition from more than one hon. Member. The hon. Baronet concluded by moving for the appointment of a Select Committee in the terms already stated.

Mr. *Sinclair* said, that upon a subject so immediately referring to Scotland, where lotteries were so generally deprecated, he felt it his duty to second the Motion of the hon. Baronet. He had himself much regretted to hear propositions suggested to the House for the revival of lotteries, for the advancement of either public or private works. Rather than see such a course adopted he should hope that measures would be taken by the Legislature to prevent any participation by the people of this country even in foreign lotteries.

Mr. *Bish* said, that as his character had been in some degree involved in the question before the House, he begged to state that he knew no more of the Bill which had been alluded to than did the right hon. Gentleman in the Chair. He stood merely in the situation of one of the lottery-office keepers of the metropolis, and though it might be conceived he was implicated in the expression of the noble Lord opposite, that the Bill had been fraudulently obtained, he must disclaim all knowledge of the measure, which was introduced and passed before he had the honour of a seat in the House. It appeared that the Bill received the Royal Assent on the 30th of July, 1831, and it was not until the month of February following, that any person connected with lotteries knew that such an object could be effected by its provisions. It was not until six months after the passing of the Bill that he heard from Glasgow that such a lottery was to be disposed of, and he was just as much surprised when he learned that lotteries were to come up again, as if he had been informed that St. Paul's-church had walked to Tower-hill. He hesitated not to declare, that the conduct of the lottery-office-keepers in the transaction would bear the fullest and strictest investigation. To that investigation he was ready to give every facility in his power, and had even communicated to the hon. Baronet, the member for Oxford, his perfect willingness to second the Motion for an inquiry. He had hoped that the hon. Baronet would have pursued the usual courtesy in such cases practised by hon. Members, by informing him (Mr. Bish) of his intention to bring forward the subject twelve days subsequent to the first drawing, so that he might have been in his place upon the occasion. The next occasion on which the subject was brought under the consideration of the House, was on the presentation of a petition from some gentleman, complaining that he had purchased a sixteenth share which had come up a blank. He (Mr. Bish) was not present on that occasion, the petition having been presented at the morning sitting, at a time when he was engaged upon the Warwick Election Committee. The next thing that he had heard of the matter was, an allusion made to it by the hon. member for Bridport. It was then postponed, though several gentleman had come up from Glasgow, and other long distances, for the purpose of meeting the investigation, from which he had never shrunk, feeling satisfied that the office-keepers and those with whom he was concerned would come off with honour to themselves, and with satisfaction to the country at large. In answer to the allegation, that the Bill was smuggled through the House, he begged to state, that no Bill had been subjected to closer scrutiny. The alleged smugglers of the Bill in the first instance were, Mr. Monteith and Mr. Archibald Campbell—gentlemen holding the highest character of honour and integrity in that part of the country. The Bill went regularly through every stage, and was all but out of the House when Parliament was dissolved, in consequence of the result of General Gascoyne's Motion. In the succeeding Session it had been introduced by Mr. Dixon and Sir Michael Stewart. He was himself a very humble individual, perhaps the most humble individual in that House; but then he was a Member of Parliament, thanks to his constituents at Leominster; and he thought that the hon. Baronet, the member for Oxford, had not treated him with the courtesy due from one Member to another. The hon. Baronet had forfeited his word, at least he had written to him on one occasion to say, that he would bring this question forward at a particular time, which he did not. The hon. Baronet had, in the course of his speech, said something about the Thames Tunnel as well as lotteries in general. He must acknowledge that he was favourable to lotteries, and as the House had lost 4,000,000*l.* by abolishing lotteries, he thought they ought to have some good reason for it. They had, however, confounded the illegality with the legal part of a lottery. They might as well say, that a newspaper was bad, because a scurrilous article occasionally appeared in it; or that religion was a bad thing because we had some times profligate parsons. But to return to the Thames Tunnel. He had the opportunity of knowing that many persons of the highest distinction approved of its plan, and were desirous of seeing it completed. The Duke of Wellington had signified his admiration of the undertaking; and he had no doubt that, if it had not been for the change of the Government, that it would have been completed. By lotteries 4,000,000*l.* had been lost to the country, as he had said before; he thought he had as good a sense of morality as the hon. member for Oxford, but though we had lost 4,000,000*l.* of revenue, we had not gained four pennyworth of morality, by doing away with lotteries. There was less gambling in a lottery than in any Bill that was brought into Parliament. All he saw around him were gamblers; all men were gamblers; and he could not help, on that point, reading to the House the opinion of Mr. Jefferson, not long since President of the United States. Mr. Jefferson said,—'If 'we consider games of chance immoral, 'then every pursuit of human industry is 'immoral, for there is not a single one 'that is not subject to chance; not one 'wherein you do not risk a loss for the 'chance of some gain. The navigator, 'for example, risks his ship in the hope '(if she be not lost in the voyage) of 'gaining an advantageous freight. The 'merchant risks his cargo to gain a better 'price for it. A landholder builds a 'house on the risk of indemnifying himself 'by a rent. The hunter hazards his time 'and trouble in the hope of killing game. 'In all these pursuits you stake some 'one thing against another, which you 'hope to win. But the greatest of all 'gamblers is the farmer. He risks the 'seed that he puts into the ground—the 'rent he pays for the ground itself—the 'year's labour on it, and the wear and 'tear of his cattle and gear, to win a 'crop, which the chance of too much or 'too little rain, and the general uncer'tainty of weather, insects, waste, &c., 'often make a partial or total loss. These 'then are games of chances, yet so far 'from being immoral, they are indispens'able to the existence of man.' In America, lotteries were employed to build chapels, to found seminaries, to clear swamps; thus promoting the benefit of the country, the benefit of towns, and the comfort of religious congregations. He dared say, that those people had as good a chance of going to Heaven, as if they went regularly to a parliamentary-built church.

Sir *Robert Inglis* said, that the hon. Member had accused him of violating his word. With respect to the engagement which he contracted with the hon. Member, having thought that something of this kind would probably come before the House, he had come down with copies of the correspondence which passed between himself and the hon. Member on the subject. The hon. Baronet read the extract of a letter, to show that he had only bound himself not to originate the question at a particular time, but that he put in his claim to be heard at a future time.

Mr. *Roebuck* did not know who had committed the offence, but all that the hon. member for Oxford had to do was, to substantiate the fact that an offence had been committed. It appeared, however, to him, that the House would trench upon the province of the Law-officers of the Crown if it proceeded to examine into this point. Lotteries by the common law were illegal, and therefore required a distinct Act of Parliament to make it lawful to engage in a lottery. But this was also illegal by Act of Parliament, and he would refer, to prove his assertion, to the wording of the Act itself. The hon. Member quoted the Act to show, that it only authorized the dividing the property into lots. Under these circumstances, he should vote with the hon. member for Oxford.

Mr. *Warburton* would not have mentioned in that place anything that had come to his knowledge in a private capacity relative to Mr. Monteith; but having a place which brought no emolument with it whatever, that of one of the Exchequer Loan Commissioners, he had occasion to meet the gentlemen who conducted the undertaking. Now, this gentleman, with one or two others, had come forward as guarantees to the Government for the repayment of an advance of Exchequer-bills. Now he thought that in this fact there was a good reason for his hon. friend's persisting in his Motion. As Shakspeare, who was a player, had said "All the world's a stage," so the hon. member for Leominster said "All the world's a lottery." As to the morality of lotteries, hon. Gentlemen should recollect the times when lotteries existed, to be able to form a judgment upon it. These held out a temptation to servants, and persons of small means, to invest their little savings in the purchase of a share of a lottery-ticket, instead of laying them up in a savings-bank. With regard to the question before the House, he thought facts enough had been adduced to show that inquiry ought to be made. Before he sat down he must observe that he had heard, shortly after the Bill was passed, that a lottery was to grow out of it; and he warned a gentleman who, from being connected with the Government, might have an influence over the promoters of the Bill, to take care that no lottery was established.

Mr. *Spring Rice* said, it was impossible for the Government to guard against the manner in which a money lottery had been grafted on this Bill. He had had occasion to refer to the papers connected with the subject that morning; and, if the Motion were agreed to, they might be laid before the Committee. The individuals who had carried the Bill through the House had dealt with it as a mode of disposing of property by lot among purchasers; but the Government had never contemplated conferring on them a power of ingrafting money obligations, and money prizes, on the scheme. He believed that all the inconvenience which had arisen had sprung from a matter which was not at the time in the contemplation of those who had promoted the Bill.

Mr. *Edward Romilly* said, that an inquiry ought to take place. It was proper to inquire if the Act was improperly obtained, or if the clause was improperly introduced. If money were taken in this way out of the pockets of the people, it would be a species of State swindling. That money, if wanted for State exigences, might be drawn from their pockets by a direct tax.

Lord *Althorp* said, he should not object to the Motion.

Mr. *O'Connell* had read the Act with great attention before any notice had been taken of the power it gave, and he saw nothing about a lottery in it. The Law-officers of the Crown were certainly quite blameless in allowing the Bill to pass, but the best way to acquire information on the subject was to look at the Act itself. This, besides giving the power to divide the property into 3,000 shares, permitted that an unlimited number of additional shares should be created, when the original shares were hardly worth anything, and permitted the decision of everything relating to the shares to depend upon the shareholders, whose vote was to be final. As to the immorality of a lottery, to be sure as a species of gaming it was immoral, but he did not really mean to preach sermons in that House. What was stock-jobbing?—was that not gaming? There were many individuals who made their fortunes by a good lie. The fluctuation of a-half per cent. made many wealthy men. The rumours of a war—a bloody insurrection—might place a man in possession of a large estate. But on this point conscience was seared. Should, however, such a thing as a lottery come before the House, hon. Members would move heaven and—worse regions, to put down the abomination. He did not know after all, whether, if a great public measure was to be promoted by a lottery, such iniquity attached to it as some hon. Members seemed to suppose. In his opinion, with great deference to those who dissented from his view of the case, as Parliament had allowed a lottery to be created, it ought not now to interfere; but if they objected to lotteries, why they need not allow them in future to be established.

Mr. *Curteis* observed, that, when gambling was going on to such an extent as it notoriously was amongst the higher classes, it rather appeared to him that the House would be straining at the gnat after having swallowed the camel, if it should now exercise its power to put an end to this Glasgow lottery, the more especially as it was well known that tickets in any of the foreign lotteries might be obtained by persons who were so disposed. He contended that it would be unjust to put an immediate end to a speculation in which so many persons held shares. He begged to assure the House he was not of the number: he had no ticket.

The Motion was agreed to, and a Committee appointed.

Sir *Robert Inglis* took occasion to remark that he should not oppose the nomination of Mr. Bish on the Committee, although he had abstained from putting down his name, as by his own statement it appeared that he was a contractor. It would be most likely that the Committee would be happy to avail themselves of Mr. Bish's evidence as a witness.

Mr. Poulett Scrope moved, that Mr. Bish's name be added to the list of the Committee.—Agreed to.

LAW OF LIBEL.] The *Solicitor General*, in rising to move for "a Select Committee to consider the present state of the Law of Libel, and to report their opinion to the House," said, that in bringing under the consideration of the House a subject of no common importance, he begged to have it understood at the outset, that he was not about to indulge in any fanciful theory of his own, with respect to the Law of Libel or propose any extensive alterations of the law. He was only anxious to have the question fairly brought before the House, and to have such changes as might be deemed necessary or expedient made with the advice and by the assistance of a Select Committee. The startling incongruities of the present Law of Libel had been long felt and acknowledged. The subject had frequently been made a matter of complaint, but never yet of inquiry, in any way which could lead to the effect of a sound practical Reform of existing errors and abuses. In the existing Law of Libel there were many matters of grievance affecting all persons connected with the public Press. All classes of his Majesty's subjects indeed were liable to be affected by the operation of this law; but such was the state of society now-a-days, that in considering this question, the House might almost exclusively direct its attention to those individuals engaged in our periodical publications. Those persons very frequently had occasion to feel the inconvenience and injustice of this law. In the first place, there was the penal nature of the law as affecting publications. A man, after a decision in the case had been made, was declared to be guilty, although he might have committed no moral offence which would justify the application of the term. Undoubtedly an author might fairly and properly be declared to be guilty if he violated the principles of fair discussion. That no man could dispute. In like manner so might the publisher who, either in his own person, or by his agents, or from want of due care, gave circulation to libellous matter. The interest of the public required that the man should be held responsible for what he published. But the law as it stood involved all parties in the guilt who might be concerned in the publication, albeit they might be perfectly unacquainted with the libellous matter. Now this, decidedly, was a grievance, and occasionally worked great injustice. The question, however, was, how was this to be remedied? The Committee would have to inquire whether, consistently with safety to the public, and with security to private character, an alteration in the operation of the law, with respect to such parties as were not cognizant of the libellous matter, might not be made. The subject was full of difficulty, and would merit the most patient consideration, for it was evident, that if one man might sell a publication, and not be held in any way responsible for its contents, means would be afforded by which libels might easily be circulated, and all parties concerned, the author and the conscious publisher included, would escape punishment. This was a course obviously unsafe. But was there not some middle course? Might not there be some such expedient as this made use of—might they not do away with the extreme severity and unfairness of the law by declaring that the simple act of publishing, or assisting in the publication, should not constitute a crime, but that it should be further necessary that the prosecutor should bring some proof of knowledge of the publication upon the part of the accused, or of malice in some shape or form? Perhaps if some distinction of this kind were drawn, the ignorant and the innocent might be suffered to escape untouched by the law, while the original author and the conscious publisher would be still exposed to punishment. This would be one subject to which the serious consideration of the Committee might be advantageously given. Another subject of complaint was, that authors and publishers were subjected to much hardship from the want of a good definition of the Law of Libel. To restrict libel within narrow limits would be to foster and encourage the circulation of libellous matter. If, however, they made the definition very large, it would subject those connected with the periodical press to infinite inconvenience, and manifold hardships and injuries. Learned Judges had described a libel as anything that might prove injurious to the feelings of any man. This was manifestly absurd. If it were held to be correct, no author could be for a moment safe in writing or publishing. There was, accordingly, extreme difficulty in furnishing a definition of libel in the abstract, and this was a part of the subject which he thought well worthy the consideration of the Committee. The subject had indeed been often discussed out of doors, but it was only a Committee such as he proposed which could come to any safe and judicious decision on the subject. He could not be expected in the present instance to go into all the details to which, no doubt, the Committee might beneficially address themselves. There was one point, however, to which he felt it necessary to refer particularly; it was one of the most important which could possibly come under their consideration. He meant in what manner, how, and to what extent, the truth of the libel should be brought under the consideration of the Jury, whether in criminal or civil proceedings. As the law stood in criminal proceedings, the truth of the libel could not be taken into consideration at all, while, in civil cases, the allegation of truth could be brought forward, and if it were proved, was conclusive. Now, he thought there was error on both sides. In the first case, malice was implied from the libel, and certainly therefore, the consideration of truth or falsehood, as a matter of palliation, should not altogether be excluded. He was not prepared to say to what extent it would be well to admit the consideration of the truth of the libel; he did not know how far it would be advisable in criminal proceedings for attempts to destroy private character to admit the truth as a palliation, much less a justification of the libel. It was difficult to go to the extent, that every man had a right to publish anything of any body, provided only it were true. It had been suggested, that some such rule as this should be established—that if the publication charged as libellous should be proved to be true, that should be an answer to the implied malice. As the law at present stood, a libel carried with it the imputation of malice. It was vain for a defendant to prove the truth of the publication, and that he never entertained a suspicion that it contained libellous matter. If a man maliciously published that which was not true of another person, it was fit that he should be punished for so doing. In many cases it might not be right to publish matter which was true, but it never could be justifiable to publish what was not true. Some such rule as that which he had adverted to might possibly be adopted, and it was a point worthy of inquiry. At present he was inclined to think, that if a Jury should find that a defendant had published a libel innocently—that was to say for a good purpose, or without express malice—the evidence of the truth of the publication should protect him from the implied malice. In proceeding by simple action, the consequences resulting from the present law were really absurd. If the defendant could succeed in proving the libel to be true, no matter how injurious or cruel it might be, or how malicious soever the motives might be which prompted its publication, the person libelled could obtain no redress. Was it right that a person who had sustained the most serious injury to which he could be exposed—namely, the loss of his character—should be unable to obtain redress, because the fact which had been published, and which perhaps had occurred at an early period of life, and under circumstances which palliated its apparent enormity, could be proved to be true? He would mention two circumstances which would prove the inconveniences of the existing law, as regarded both criminal proceedings and those by simple action. Not long since a person was criminally indicted for publishing a libel which alleged that a certain individual had been convicted of forgery in France. The proceedings of the French court by which the prosecutor had been condemned to the galleys were produced, and the defendant's counsel was very anxious that they should be read in evidence, but the Judge of course refused to permit that to be done. Now, this was a case in which it might have been not only excusable, but laudable to have published the fact of the prosecutor having committed forgery. Suppose the individual had been about to obtain a situation as confidential agent to a company in which want of integrity on the part of the individual holding it would have been the greatest misfortune that could happen to the proprietors, the publication of the fact of his previous misconduct would have been a useful and laudable act. Was it then, he asked, a wholesome state of law which would compel a Jury to find a verdict of guilty in such a case? At all events, it must be admitted that this was a point which ought to be inquired into; and therefore he proposed that it should become the subject of investigation by the Committee, if the House should think proper to appoint one. He would next mention a case which would strikingly exemplify the inconvenience of the Libel-law as regarded proceedings by civil action. The transaction to which he was about to refer occurred many years ago, but it had made a deep impression on his mind at the time, and, therefore, he had no doubt that he should be able to state the circumstances connected with it correctly. A young woman had, in early life, been seduced by a man of title; but after living with him for a certain time she became ashamed of the course of life she was pursuing, and taking the opportunity of escaping from it, she retired into a distant part of the country, where her seducer was unable to discover her. She obtained a situation, in which she conducted herself with so much propriety that she not only gained the good-will of her employers, but was appointed to a responsible situation in a public establishment. Some years after, her seducer discovered the place of her retreat; and having in vain made proposals for the renewal of their intercourse, he hit upon the expedient of depriving her of the means of subsistence, thinking that he should then succeed in his attempt to possess himself again of her person. He, therefore, published in the town where she resided the history of her early life. The consequence was, that the unfortunate woman lost the esteem of the friends whom her subsequent good conduct had procured her, and she was deprived of the appointment by means of which she obtained her livelihood. Was not this woman entitled to compensation? Yet, if she had brought an action against her persecutor, he would have justified, and she would have been turned out of court, with the aggravation to her misfortune of having incurred a useless expense. Was it fit that the law should remain in such a state? There was another point to which it was important that the attention of the Committee should be directed. Much had been said on the subject of *ex-officio* informations; and it must be admitted, that the power which the Law Officers of the Crown exercised on this point might be perverted to bad as well as used for good purposes. It would be for the Committee to inquire whether this power could be altogether abolished; but his own opinion was, that it would not be safe to prevent the Law Officers from having recourse to it in certain cases. It was possible, however, that some arrangement might be devised by which the subjects might be protected against any hardship in this mode of proceeding. Perhaps the course which was pursued in Ireland might be adopted in this country with advantage. In Ireland it was the practice, he understood, for the Attorney-General to call the parties before him previously to filing an information, which afforded an opportunity for explanation of the circumstances under which the publication had taken place. This practice also operated as a protection against the adoption of proceedings by the Attorney-General without due consideration. There was another course of proceeding which had been the subject of much animadversion; and he was rather surprised at that circumstance, because, as it was administered in this country, it was less objectionable than any other mode of criminal proceeding—he alluded to criminal informations granted by the Court. In such a case the defendant had this peculiar protection, that the Court would not grant the information unless the prosecutor was able to negative the truth of the libel, and thus the prosecutor was deprived of the advantage which he would obtain by proceeding by indictment. Another advantage attending this mode of proceeding was, that the Court having all the circumstances of the case before it, could interpose its advice, and probably terminate the dispute without the case proceeding to trial. No person who reflected on the subject for a moment could doubt, that it was much more easy to get a Grand Jury to return a Bill than it was to prevail upon the Court to grant an information. The Grand Jury examined only the prosecutor's witnesses, but the Court of King's Bench compelled the prosecutor to negative the truth of the libel before it would grant an information. Another point to which it was desirable the attention of the Committee should be applied, was the construction which Judges had put upon Mr. Fox's Act. That Act constituted the Jury the Judges of the law as well as of the fact, and yet, until latterly, when the practice had somewhat altered, the Judges seemed to think that they had a right to perform the duty which the law imposed upon Jurymen. In early life he had frequently heard Judges tell Juries they were bound to state that in their opinion the publications which formed the subjects of prosecution were gross and scandalous libels. If any doubt existed in the minds of those learned persons as to the construction of Mr. Fox's Act, it was advisable that it should be set at rest by some enactment of the Legislature. There was another Act, the 60th of Geo. 3rd.—one of the Six Acts—which also required consideration. By that Act a very severe penalty was inflicted upon a second offence, and as the law now stood, it was probable that the consequences of the second conviction would fall on the innocent party. He hoped that an alteration might be made upon this point without being productive of any danger. The Committee might also take into consideration another provision of the same Act, which authorized the seizing of copies of the publication in the possession of the defendant after conviction of libel. It might not, perhaps, be considered unjust to prevent the circulation of what a Jury had declared to be libellous, but it would be the duty of the Committee to suggest some plan by which the exercise of the power in question should be attended with as little danger as possible to the rights of property. The points to which he had adverted, were those which bore upon persons engaged in printing and publishing, but it must not be supposed that the inconveniences of the law were all on one side. Experience proved, that, in many instances, the law was insufficient to afford protection to the public, or to private individuals. Great difficulty was at present experienced in getting at the parties who ought to be responsible for libels. The writer of the libel was unknown, and some nominal and fictitious party was put forward to bear the responsibility. This was a grievance, not only to the party libelled and the public, but also to the respectable part of the Press—to those persons who intended honestly and honourably to discharge the duties of the profession to which they belonged. If, by inadvertence, one of the latter description of persons should admit libellous matter into his publication, he must abide the consequences; but, in the other case, the publishers of the libels enjoyed impunity. Some plan might, perhaps, be devised to provide greater security for the punishment of persons engaged in the habitual publication of libels. At present the person who was proceeded against was usually either abroad or in prison. It might not be an easy matter to place this part of the Libel-law on a more equitable footing, consistently with the rights of all parties concerned, and with that freedom of discussion for good purposes which no suggestion of his should ever tend to abridge; but he trusted, that the Committee would attempt to effect such a desirable object. He wished it to be understood that he was anxious to leave to those who were usefully carrying on the profession of writing, printing, and publishing, the utmost freedom of discussion, from which the country had derived such great benefit, whilst he would deprive another class of the power of covertly libelling their fellow-subjects without being responsible for their proceedings. He would briefly advert to another point connected with the present state of the Law of Libel—namely, the Stamp-duty on publications. The parties who evaded the law regarding Stamps, found a ready means of circulating libels, and he was bound to say, that libellous matter, at present, was principally found in unstamped publications. It would be for the Committee to consider whether the present state of the law as regarded stamps on publications did not tend to encourage licentiousness, and whether it would not be proper to put all parties on a level. Although the notice which he had given was limited to the Law of Libel, it was obvious, that it would be necessary for the Committee to take into consideration the state of the law respecting slander, than which it was scarcely possible to conceive anything more absurd. In looking over the catalogue of words which were slanderous, no reason appeared for their insertion, except that they had been decided to be slanderous. Why should an affirmation be slanderous in the City of London, and not slanderous out of the city? Yet such was the state of the law. He had been anxious not to detain the House longer than was necessary, and, therefore, he had very briefly adverted to several points which he thought would properly become the subjects of investigation before the Committee, from whose labours he sincerely thought that much good would result, not only to those who were engaged in printing and publishing, but to the public at large, for whilst he was desirous of protecting the utmost freedom of discussion within the limits in which it could be safely permitted, he was at the same time desirous of repressing that most odious system of persons obtaining their subsistence by the injury and pain which they inflicted on others. Whatever might be said as to the necessity of allowing the utmost latitude for the discussion of political affairs, there was no Member of that House who did not look with abhorrence on the system of private libels. At present it was always imputed to a man who proceeded against a libeller by a simple action that he did so for the sake of obtaining compensation, and, therefore, persons were forced, as it were, to proceed criminally, and then they laboured under this disadvantage—that they might come out of Court with verdicts in their favour, but with all the world believing the libels which they had prosecuted. He concluded by moving that "a Committee be appointed to consider the present state of the Law as regards Libel and Slander."

Mr. *O'Connell* did not rise to object to the Motion, on the contrary, he was glad that this most important subject was to be brought under the consideration of a Committee for deliberate consideration. If the Motion he had made, and the Bill he had introduced upon the subject, and which had been for some time before the House, had acted in any degree (he did not mean to say it did) as a stimulus to the Government, he should certainly feel proud that he had made an effort so far successful as to induce Ministers to take up a subject of such deep and important interest. From the very clear and able statement of the hon. and learned Gentleman who had just sat down, one thing, at least, was fully and satisfactorily proved—that nothing could be more frightful than the present Law of Libel. It was, indeed, a most atrocious law, whether they regarded its fiscal arrangements, the judicial interpretation put upon Statutes, or the want of definition of what constituted a libel. It was a law that was almost unendurable, and, indeed, that would not be endurable at all if it were not that its very atrocity prevented men from having recourse to it for redress. No man thought of having recourse to the Libel-law in vindication of his character, and thus it was, that the very severity of the law enabled persons to violate it with the most perfect impunity, and the dissemination of libels became a source of uninterrupted emolument. That was the necessary result of such a law. The hon. Gentleman had fully and very accurately stated the defects of the law, but he had held out but little consolation in the hope of improvement. The mind of the hon. and learned Gentleman appeared to be more anxious for the repression of slander (an object sufficiently desirable in itself) than for the establishment of free discussion. That appeared to be the leading idea in the hon. and learned Gentleman's mind; and he (Mr. O'Connell) regretted, that he had not given more attention to the important question of establishing the right of free discussion. It was of the last importance that the conduct of public servants should be open to fair and impartial examination, and this he thought should have occupied the principal portion of the hon. and learned Gentleman's attention. The publication of falsehood should be punished, as should also the publication of truth in some cases, though very rarely. The hon. and learned Gentleman had alluded to the prosecution of persons engaged in publication; but he had forgotten that these persons—to news venders he (Mr. O'Connell) alluded, for it was obvious that to this class of persons the hon. Member referred—were seldom prosecuted. Recourse was generally had to an action for damages, and one farthing damages generally carried from 100*l.* to 200*l.* costs. For that evil the hon. and learned Gentleman had suggested no remedy. There was no remedy, in fact, unless they regulated the actions brought; and the only way of doing this effectually was to lay it down as a general principle, that for the prevention of frivolous prosecutions, they would inflict the costs on the party instituting them. This appeared to him to be the only means at their command for the solution of the difficulty of discouraging frivolous and improper actions, and, at the same time, of protecting the honest against the circulation of libels. The hon. and learned Gentleman had addressed himself to that definition of the subject—the Law of Libel—and he (Mr. O'Connell) must express his regret at the mode in which it had been treated by the hon. and learned Gentleman. They had an admission that nothing was more vague than the definition given at present, viz., that anything was a libel that one person might write which might hurt the feelings of anybody else. Nothing could be more vague; so absurd was it, indeed, that it was astonishing it was the law. True or false, if a publication hurt a man's feelings, it was a libel. Here we were, living in civilized society, yet crime amongst us was so uncertain in its nature, as to be comprised in these general terms. We had a definition of an offence, that definition having, in fact, very little meaning in it; or rather, he might say, that it meant everything, because there was nothing precise in it that would give us the least knowledge of the law. Considered in the abstract, such a state of the law was surprising. But what remedy did the hon. and learned Gentleman suggest? None at all. He did not hear the hon. and learned Gentleman suggest a word to bring libels within the category of crime. Everything else in the way of offence was distinct and defined; then why not apply the principle to libel? He would tell them why. This law had been an instrument in the hands of the Courts of Law from the time of the Star Chamber to the present moment, which they never failed to use against any one who had the audacity to attack men at the head of affairs, and against whom no other means existed of arraying public opinion. There was, he apprehended, no better elucidation of the fact to be given than that. The hon. and learned Gentleman had alluded to Fox's Bill. It was manifestly the intention of the Legislature, in passing that Bill, that the Judges should not interpose their opinion as to what constituted libel at all. Yet he had heard a Judge go this length —"You have a right to decide; you decide on oath; I am sworn as well as you; I have a right to give my opinion, and I tell you on my oath that this is a libel." Fox's Act had enabled the Judges to take this course. He mentioned this fact to show them how unsafe it was to leave the Libel-law in the hands of the Judges; and how necessary it was for the Legislature to confine the Libel-law within definite bounds. He would have punished as a libel anything that could be properly so considered; but as to public matters, why not leave them to be discussed as angrily as the party pleased, and as violently as they pleased? People ought to be allowed to attack anything in the abstract, and ought to be restricted only when the attack was personal. He had been thirty years in his profession, and he now declared, that he did not know what libel was. But what slander was, he thought he knew well enough—that had a definition. Slander was anything which charged any crime whatever. Why not make the Law of Libel depend on a similar principle? Why not define it to be anything which, being published, charged a man with crime? Adding, as in a case of slander, anything which charged a man in trade, or other employment, with incapacity, that was calculated to injure him therein, a similar principle being applied to persons in civil, naval, or military employment. The hon. and learned Gentleman considered it would be monstrous to allow the truth to be a justification in every case; was it not equally monstrous for the truth to be no justification in any case? He would not recommend that it should be a complete vindication in every case, but let its proof have its due weight with the Jury. In the case to which the hon. and learned Gentleman had alluded, it would prove a serious aggravation of the crime. He (Mr. O'Connell) decidedly objected to criminal informations. By this process they tried the facts by the affidavits of the parties interested, which was a direct encouragement to perjury. The Judge, instead of making the rule absolute on the trial, might just as well at once proceed to pass sentence; because the only question that remained for the Jury to try was, simply whether the publication had ever taken place. It was next to impossible that Juries could acquit in cases of criminal information, the event being decided as to the publication being libellous. Such a system was replete with the greatest mischief, and contradictory to the first principles on which jurisprudence should be founded. As to *ex-officio* informations in the present day, with the multiplication of Sessions to sittings in Term, they were quite unnecessary. Proceedings, when indispensable, ought to be instituted before Grand Jurors, and the Crown-lawyers should be deprived of the power which *ex-officios* gave them, of torturing whom they pleased. A reference had been made to the practice in Ireland. That practice, however, could not be said to exist. An attempt had been made by one Attorney-General to introduce it, but without success. The citing of parties before such an authority, was considered to be a hint to them that they were to go to make terms with the Attorney-General; when, if they were sufficiently abject in their apologies and general deportment, they stood some chance of escaping any further prosecution. He repeated, that the only way of putting a stop to frivolous and vexatious actions, was by allowing the costs to be given against the plaintiffs in certain cases. He hoped, that the Committee which was to be appointed would not be composed of individuals who all thought in one way on the subject.

Sir *Francis Vincent* would not then go at any length into the subject, but there were one or two points to which he felt it right to advert. One of the greatest evils of the present law was its uncertainty, and that was the defect first to be remedied. On the subject of *ex-officio* informations, he could not at all agree with the hon. and learned Solicitor-General. He certainly did not regard them as interwoven with the Constitution. Sir M. Hale distinctly said, that they were bad, and must fall; and the Committee, of which Lord Somers was a member, had used similar language. The present arrangement with respect to costs was extremely bad; and he decidedly thought the plan proposed in the Bill of the hon. and learned member for Dublin worthy of the best consideration. He was ready to give the hon. and learned Solicitor-General every praise for taking up the subject, and he trusted and believed the result of the Committee would be such a plan for the improvement of the law as would give general satisfaction.

Sir *William Horne* approved of the spirit in which his hon. and learned friend (the Solicitor-General) had taken up the question, which he regarded as one of the utmost importance. The present state of the law was most unsatisfactory, but he would, on that occasion, content himself with expressing his readiness to render any assistance he could in the proposed inquiry.

Mr. *Pryme* trusted the Solicitor-General would reconsider his opinions with respect to criminal informations. They were in his view a most unsatisfactory mode of proceeding. To prove that, he would mention a case. A magistrate had been charged with punishing with undue and, indeed, cruel severity, three little children for stealing vegetables. Well, the fact was, the Magistrate had punished but two little children, and therefore, he made an affidavit that the charge was untrue, and obtained a criminal information, although the charge was substantially true.

Mr. *Sheil* thought, that the hon. and learned Solicitor-General having stated what were his views and opinions, might as well have brought in a Bill at once, instead of delaying a measure for the redress of the existing grievances, by referring the matter to a Committee. He would be glad to know what, in the opinion of the hon. and learned gentleman, constituted libel in a public case? It was well known that in State prosecutions the truth of an alleged libel could not be given in evidence. In cases of private libel, it was right and just that the Jury should have the privilege of determining whether the matter was maliciously intended, and to decide upon the motive; but in public cases, he (Mr. Sheil) was of opinion, that truth should, in every instance, be considered a complete justification. The conduct of Ministers, if canvassed only as to their public proceedings, and avoiding everything of a private nature, should be open to the fullest animadversion, and in all remarks concerning them the truth ought to be admitted in justification. The hon. and learned Solicitor-General had not given any sufficient or satisfactory reason why the form of *ex-officio* informations should still be adhered to. It made too great a distinction between cases of public and private libel to allow the Attorney-General to file his informations at once. In private cases there was some substitute for the power of a Grand Jury, but continuing the right of filing *ex-officio* informations, prevented such substitute in cases of public libel.

Lord *Althorp* said, that his hon. and learned friend (the Solicitor-General) had not stated any fixed opinion as to any intended alteration of the law. He had called the attention of the House to the defects of the law generally without pointing out particular remedies. He had admitted that there was no definition of libel, and marked it as one defect in the law, but without pointing out what the definition should be. All he had insisted on was, that on this, as well as on many other points, they ought to go into an inquiry. As to *ex-officio* informations, he (Lord Althorp) owned, that he was not partial to them; but at the same time he thought the Government should not be without the power of filing them. The hon. and learned member for Tipperary (Mr. Sheil) seemed to think that these informations provided no substitute for the intervention of a Grand Jury. He thought they did. In the first place, it was not at all probable that any *ex-officio* information would be laid, except in cases in which a Grand Jury would have no difficulty in finding a Bill if it were laid before them; though for many reasons it might, in some cases, be advisable to lay the information rather than go before a Grand Jury with a Bill. Then it should be considered that no such information could be laid except on the responsibility of the advisers of the Crown, and that in itself was a substitute for the intervention of a Grand Jury. He would not admit, that this was so good a substitute, speaking generally, as that in the case of criminal informations for private libels; but still, though not partial to its use, he repeated, that he thought it was a power which the Crown ought not to be deprived of. With respect to cases of libel against public men for their public conduct, he should say, that in almost every case the truth of the allegation ought to be allowed to be given in evidence, but still he could cite an instance in which such a course would not meet the justice of the case. In the last war a writer, at a time when an expedition was in preparation, stated with reference to the transports used for conveying troops in a former expedition, that they were not seaworthy. That was the fact; yet, when the circumstances were considered that another expedition was in preparation, and that the object of the writer was to excite a mutiny in the troops about to be sent out, no one could doubt that allowing the party to prove the former fact would be no good justification. This would show, that truth in every case even of public libel would not be a good justification, though he admitted that in general it ought to be allowed in public cases. The great difficulty was to say what was a public and what a private libel. He knew, that it was actionable to say, that a man was unfit for his station or business in private life; but he did not think it ought to be a libel, to say that a public man was not fit for the office he held, yet he knew, as the law now stood, the contrary opinion was held. In the case which had been mentioned by an hon. Member on a former evening, respecting Lord Hardwicke, of whom it had been said, that he was rather famous for breeding cattle and sheep, than for the law,—now he should not consider any such charge if brought against him a libel at all. This showed the difficulty, as the law stood, of saying what was libel and what was not, and showed the necessity of an inquiry on the subject, and in the propriety of that inquiry he fully concurred.

Motion agreed to, and the Committee appointed.

Riots at Coventry Election.] Mr. *Halcombe* rose to bring forward his promised Motion for a further inquiry into the proceedings at the general election for the city of Coventry, in 1832. He had been for some time anxious to bring this subject forward at an earlier period of the evening, but he had found it impossible to do so. His notice was of long standing, and he had received the assurance of the right hon. the Secretary-at-War, that he would concur in any measure which would protect the people of Coventry from such riotous proceedings as took place at the elections for that city. In order to bring the matter more immediately under the consideration of the House, it became necessary that he should read a portion of the evidence taken before the Committee on the recent inquiry. He was the more desirous to do this as, upon inquiry, it might turn out, that the Attorney-General should be directed to prosecute the ringleaders in the desperate outrages which took place at the election of 1832. One witness stated, that there was a mob of at least 2,000 persons, who had been hired in the neighbourhood of the city for the express purpose of acting as bullies at the Coventry election, and that they were paid no less a sum than 5*s.* per day each. The chief leader and director of this band of rioters, was a person named Richard Randall, under whom they committed the most atrocious outrages upon the voters opposed to them; outrages which he trusted, that House would visit with the most exemplary punishment. By this Richard Randall the mob were hired, paid, directed, and led on. On a signal from him, which was usually given by raising or thrusting forward his arms, they rushed or "fell on" indiscriminately upon all opposed to them. And, to use the words of one of the witnesses, they were "to beat the electors soundly and to leave 'em alive, but hardly." So that, in fact, the opponents of Ellice and Bulwer, the predominant candidates, were obliged to keep at home, not daring to present themselves at the hustings to vote. It was right the House ought to know who the individual was who furnished the funds by which these outrages were fomented and encouraged; and if that Gentleman were present, he would state the matter broadly to his face. That Gentleman had, it appeared, derived all the benefit which arose from these acts of violence; and when he found that hon. Member taking an active part in Committees of that House, he cared not whether a Committee were appointed or not, he was determined to do his duty to the aggrieved parties by laying their case fairly before the House. The hon. or rather the right hon. Gentleman to whom he alluded was no other than the Secretary-at-War. He would state it openly to his face, if he were present; but, as he was not, he stated it fairly in the presence of his colleagues. The House need not be under any apprehension that he would overstate the facts, for the facts were themselves of so atrocious a nature, that it would be next to impossible for him to colour them. A witness named Johnson, one of the bullies, stated, that the money he received, was paid by Randall, who led them on and walked first. John Thomas said, that Randall paid them; that they were in bodies of 100 each, and that Randall gave them tickets to eat and drink what they pleased at the sign of the Half-Moon. This witness went on to say, "At the booths we cut them (their opponents) down, and kicked them about like foot-balls; I mean the Light-blues; we all had a punch at them as could. We were told to leave them alive, and hardly. Whenever I saw any on them near the booths, I dragged them by the hair to the booth; we beat them and kicked them as long as we liked, and then the constables came and took them away, they dared not interfere before. A person, named Hammerton, was one of the leaders, and, I believe, that he is now in the Custom-house, filling the office of Tide-waiter, or some such office." Now, he begged the attention of the House to this fact. When it became publicly known, that no further steps were to be taken against the offending parties, the Sheriffs, who were partisans of Messrs. Ellice and Bulwer, made Randall a peace-officer of the town; thus placing this person, who was a publican and a prize-fighter, over the citizens whom he had been hired to ill-use. Was it not an insult to public justice to find that such a person should not only escape punishment, but should be rewarded for his conduct? He had mentioned the right hon. Secretary at War as being connected with these proceedings. It appeared from the evidence of Johnson that he was so. Johnson said, "We met Mr. Ellice in his carriage near the London-road. Mr. Bulwer was with him." Another witness said, "Mr. Ellice made speeches, and we were ganging about, milling all we could find. Young Ellice was there [This, Mr. Halcomb said, was a son of the right hon. Member.] He joined us." One of the Committee asked this witness a few questions:—"When you saw the Light-blues what did you do?"—"Why, we knocked 'em down." "Did you do any thing else to them?"—"Yes, we knocked them about, and ripped them up." "Then you did not consider it any disgrace to knock men about and ill-use them in this way, so you were paid for it?" And here, said the hon. Member, I beg the attention of the House to the answer of the witness:—"They ought to be responsible who employed us to do so." What did hon. Members think of this? It was true they might not attend to his statements, or they might run from the House to witness a boat-race, while he was stating these facts, but still he was determined to his duty. Another witness said, there was a general cry for Mr. Ellice; the cry was, "Ellice, Ellice, you devil!" When a person remonstrated with the Sheriffs against these outrages, the answer of the Sheriffs was, "Oh, you would not mind it if it was on your side;" and Mr. Ellice observed, that it was not worse than the election of 1826, and that such proceedings were usual at all elections. The hon. and learned Member went on to read the evidence of a Lieutenant Perkins, R.N., who sat in a window opposite the polling-booth, and who stated, that it was not safe for any of the adverse party to go to vote; for himself, he said no consideration could induce him to do so. It was usual, when the Light-blues made their appearance, to seize upon them, and, after beating them, to "rip them up," that was, to cut the clothes from their backs, and throw sometimes the persons, and sometimes the clothes, back into the booth. One person was thrown into the booth merely with his shirt on, and his small-clothes hanging over his heels. He had done every thing in his power to bring the guilty parties to justice. He tried to have the Sheriffs called to the Bar of that House, but he failed; and then he gave notice of his present Motion. Some of the complaining parties had written to the hon. Member opposite (whose upright intentions no one presumed to doubt), who was Chairman of the Committee, and received from him an answer, stating, that as the publication of the report of the Committee had preserved the city of Coventry from riot at the last election, and as, in that report, they had stated their opinions of the conduct of the Sheriffs, they did not think any further steps necessary; so that the only result was, that Randall, the ringleader, was made bailiff of Coventry. The House must, he was sure, feel with him, that it was too bad the guilty should thus be allowed to escape. He would not say one word respecting the hon. Member below him (Mr. Bulwer), were it not that he expected to be answered again as he had been before—"The electors of Coventry have got well threshed, as they deserved." It appeared that in 1802, 1803, 1820, 1827, and 1833, there were reports of Committees setting forth similar abuses at elections in Coventry. He had now fulfilled his pledge, and he would leave it to the House to decide upon it. The hon. and learned Member concluded by moving for the appointment of a "Select Committee, to make further Inquiry into the proceedings at the general election for the city of Coventry, in December, 1832, and to consider and report to this House thereon, and upon the best means of providing for the future prevention of Riots, and for preserving the peace and freedom of Election at Coventry, and that such Committee be chosen by Ballot, two Members being appointed by this House."

Sir *Oswald Mosley* said, that the reason why no further proceedings had taken place was, that there was no earthly reason for them. It appeared that the riot had arisen from one party taking forcible possession of the booth; and it was natural that the other should resist. The Committee did not think this a sufficient ground for further proceedings. At the last election, booths had been fixed in different parts of the city, and no such scenes had taken place.

Mr. *Henry L. Bulwer* said, that if he thought he held his seat in the House by a voluntary participation in such scenes as the hon. and learned Member had described, he should walk out of it without offering a word in his defence. The hon. and learned Member who had vindicated the purity of Stafford, and the tranquillity of Warwick, had, however, read the evidence *ex-parte* only; the opposite evidence, contradicting what the hon. Member had read in every particular, he had not alluded to. The riot lasted but a short time, and had been caused by the other party taking forcible possession of the booth. One of the candidates (Mr. Thomas) had declared, that he had experienced the fairest and most honourable conduct on the part of his opponents; yet the hon. and learned Member was now doing all he could to keep alive the spirit of violence in Coventry.

Sir *George Grey* was surprised that the hon. and learned Member, professing that he was actuated by no party spirit, but solely by a love of pure impartial justice, should call upon the House to form an opinion upon a view of the evidence of one party only. The hon. Member had entirely kept out of sight the evidence on the opposite side. The hon. Member (Sir George Grey) proceeded to refer to other evidence contained in the Report, and also to documentary evidence in the Report, in order to show, that the actual facts were very different from what they had been represented to be by the hon. and learned member for Dover.

Mr. *Mark Philips* attached (in accordance with the Report of the Committee) the blame to the Sheriffs, as returning officers, for not taking necessary precautions. He did not see, after the evidence of the peaceable election which had taken place in April, and the precautions established by the Reform Bill, any necessity for special legislation with regard to that borough.

Mr. *Wynn* objected to the decision of a Select Committee being re-opened. He regretted that a Report, conveying such strong censure as this, should have been allowed to be on the Table of the House without being taken up, and the returning officers called to the Bar. If the House passed over the gross violence which had taken place at the election for this city, it would be as injurious to the cause of purity of election as if it had passed over instances of gross corruption.

The Motion was negatived.

Mr. *Halcombe* moved, "that his Majesty's Attorney-General be directed to prosecute Richard Randall for an offence proved against him, as appeared by the Report of the Select Committee on the Coventry Election."

The House divided on the Motion—Ayes 10; Noes 30: Majority 20.

List of the AYES.

Ferguson, G.
Gladstone, T.
Hughes, W. H.
Inglis, Sir R.
Miles, W.
Pryme, G.
Ruthven, E.
Sandon, Lord
Shaw, F.
Wynn, Rt. Hon. C. W.

TELLERS.

Halcombe, J.
Ruthven, E. S.

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HOUSE OF COMMONS,

Wednesday, March 19, 1834.

MINUTES.] Bills. Read a second time:—Pensions, &c. Duties.

Petitions presented. By Mr. FOWELL BUXTON, from Wareham; and Mr. SHEPHERD, from Frome, Selwood,—for prohibiting Children Climbing Chimneys; and from Alford,—against any Measures likely to Weaken the Efficiency of the Established Church.—By Sir STEPHEN GLYNNE, from Great Driffield, against any Alteration of the Corn Laws, for the Repeal of the Malt Tax, for Poor Laws to Ireland; and Relief to the Agricultural Interest.—By Mr. W. ROCHE, from several Places, for the Repeal of the Union.—By Mr. FINCH and Sir STEPHEN GLYNNE, from several Places,—for the Better Observance of the Sabbath.—By Messrs. BENETT, BARNARD, and EWART, from a Number of Places, and Dissenting Congregations,—for Relief to the Dissenters; and by Lord MORPETH, Colonel ANSON, Sir WILLIAM FOLKES, Mr. LABOUCHERE, and Mr. POULETT SCROPE, from Stroud, &c.,—to the same effect.—By Mr. LABOUCHERE and Sir WILLIAM FOLKES, from Harrogate, &c.,—for the Better Observance of the Lord's Day.—By Sir WILLIAM FOLKES, from Grimshoe, for Relief to the Agricultural Interest.—By Sir MICHAEL SHAW STEWART, from the Medical Association at Greenock, for an Inquiry into the State of the Medical Profession.

REMOVAL OF SCOTCH AND IRISH PAUPERS.] Sir *Samuel Whalley* presented a Petition from the vestrymen of the parish of St. Pancras, Middlesex, calling the attention of the House to an Act which passed in the last Session for the removal of paupers to Scotland and Ireland at the expense of the counties from which they were removed. By this measure the rates of Middlesex had been increased almost tenfold; and that county, which was not agricultural, had the whole burthen of the removal of the Irish paupers thrown upon it, to the relief of the midland and agricultural counties, which alone reaped the benefit, if there was any benefit, from the labour of those paupers. The petitioners did not wish to throw back the burthen on the agricultural counties; but they thought, as the influx of Irish and Scotch paupers was a national grievance, the expense of their removal should be paid out of the Consolidated Fund. Heretofore the cost of the removal from the county of Middlesex was 5*s.* per head, but by the new law the expense was raised to 32*s.* per head at the very outset. The Magistrates of that county, no doubt with the most laudable intentions, had adopted a new plan for removing paupers; but although they had succeeded in greatly diminishing the numbers, still the expense to the county was very largely increased.

Mr. *Benett* said, that the hon. member for Marylebone had made a most extraordinary assertion when he said, that London was not the market to which the Irish labourers came to dispose of their labour. If he would make inquiry, he would very soon find, that nineteen-twentieths of the paviors, navigators, and other hard-working labourers of London were Irishmen. He was sure, if it were not for the Irish labourers, there would be a great dearth of labour in London, and the price of it would rise greatly. They had nothing to do with the counties through which they passed, upon which it would be hard to throw the burthen of passing them back from London, perhaps twice a-year. The hon. Gentleman ought to remember also, that, if London had to bear the burthen of these Irish labourers, it had the benefit of the expenditure of the Irish Members.

Mr. Alderman *Wood* said, that this was not the time for discussing this subject. If his hon. friend, the member for Marylebone, were to move, before he brought forward his Motion for the repeal of this Act, for a return of the expenditure of which the petitioners complained, he would find that half the amount might be set down as the consequence of the improvident bargain made by the Middlesex Magistrates. There were vessels passing constantly to Ireland which would take the paupers the very day they received them from the officers, and at 15*s.* a-head, whereas, he understood that 32*s.* was the price now paid. It appeared, that the Magistrates originally contracted for 15*s.* passage money, with 1*s.* per day whilst they remained on board. It was, besides, stipulated that if any escaped, half the passage money of each person so escaping should be returned. He would beg attention to the fact, that in January, 1833, no less than 438 vagrants had been passed by London and Middlesex to Ireland, while in January, 1834, they amounted only to thirty-nine. It was a mistake to suppose, that the labourers of London were those who were passed back to Ireland. That was not the case. The persons who came here for the purposes of haymaking, large numbers of whom generally found employment in Kent, were the classes who were sent back to Ireland. These men generally carried away 5*l.* or 6*l.* concealed about their persons, and, he recollected, in 1817, he had about seventy of them in the Mansion-House, and found that each of them had sums of money concealed.

Mr. *Hume* was perfectly well aware, that the petitioners were respectable persons; but he believed, that they were mistaken. The Vestrymen of Marylebone, who, he was bound to say, generally took a liberal view of things, appeared to him, in this instance, to have taken one of a quite contrary nature. He had attended the meeting of that body, and it was then admitted, that the number of paupers passed now was, in proportion to that passed heretofore, as seventeen to forty-three. A Magistrate of the Borough had also acknowledged to him that there were only five paupers in the workhouse waiting to be passed to their respective countries. And yet with these facts before them the Vestry persisted in presenting this petition. With respect to the measure itself, it had been long admitted, that some remedial enactment was necessary; and he thought the present one a fit and proper experiment to be made on the subject. It had been argued, that if an experiment were made, it should be made at the expense of the public; but if that were the case, the motives for economy would cease, and the experiment would fail. That it had hitherto been successful, he had the fullest proof, in the Returns made by the Clerk of the Peace, of the numbers passed, at periods previous and subsequent to the obtaining of this measure. He believed the abuses of the Poor-laws would become the ruin of the country if they were suffered to continue. This was, however, an experiment to obviate one of those abuses, and, consequently should be hailed with satisfaction and delight by all who wished to avert that consummation. He hoped that the House would not alter the measure.

Sir *Edward Knatchbull* was inclined to believe, that the Act in question had produced much good, but there was one defect in it which he wished to bring before the attention of the House, namely, the fact, that all paupers were to continue in the hands of the constables until they were placed on board the vessel appointed to carry them to their respective destinations. Petition laid on the Table.

FREE TRADE—CORN LAWS.] Mr. *Ewart* presented a petition from the great body of the inhabitants of Liverpool, praying for a free trade in all articles of importation, but more especially in corn. He was happy to find, that the subject of free trade was one which engrossed the attention not alone of this country, but also that of other countries with which it was in extensive commercial intercourse, as not long since a petition to the same general effect as the one he had now the honour to hold in his hand had been presented to the French Government by the opulent, enlightened, and important city of Bourdeaux. It was, therefore, quite evident by the coincidence of opinion which the two greatest commercial countries in the world had manifested, that the principle was triumphant; and he hoped before long it would extend its blessings over all the nations on the face of the earth. As the contents of the petition which he had now to present were most important, and as the question involved in it was a vital one to the interests of the community, he should make no apology to the House for reading it in detail.—[The hon. Member proceeded to read the petition. It stated, that the petitioners having thought one of the first benefits which ought to accrue to the country from Reform would be free trade, were surprised at the apathy evinced by his Majesty's Government on that all-important question. It prayed an unrestricted commerce in imports and exports, subject only to such moderate duties as the exigences of the public revenue might demand. They prayed an unrestricted trade in corn, as calculated to be most advantageous to British trade, and a very great encouragement to British industry and enterprise.] He concurred most heartily in the prayer of the petition, and he hoped the time was near at hand when this subject would be treated with the attention which it merited, and when reason and experience would convince the agriculturists, that it was their interest to encourage instead of oppose the removal of those injurious restrictions, which, whilst they only conferred on them a fallacious benefit, inflicted a positive and grievous mischief upon the people. If the great basis of our commercial and manufacturing prosperity was connected with our trade, as was evidently the case, and if foreign countries were not blind to the sources of our industry, assuredly we ought to adopt every means by which we could be able to secure to ourselves the advantages which we had hitherto enjoyed. Germany was quite alive to the source of our greatness, and the political economists and statesmen of that country were aware of the means of our prosperity. They well knew that the advantage which an English Gentleman had over the German Count, or a

Polish Baron, arose entirely from the trade of this country. They knew this, too, that if this country attempted to defend its trade by restrictions, they also could act in a similar manner.—[The hon. Gentleman read an extract from a pamphlet, to show that the refusal of England to receive the timber of the Baltic and of Prussia, had led to a strong feeling of hostility towards England, and that restrictive measures had been adopted in Germany and Prussia, against England.] There was no country in the world, of which the people were more characterised by industry and frugality than Germany; and there was no country of which the consumption of British manufactures would be more profitable; and never had we a better opportunity of greatly extending our trade than that which was found to exist at present when that country was consolidating itself in one great financial confederacy. If that opportunity were neglected, he very much doubted if the Germans would not become a formidable rival to England in manufactures should the characteristic *vis inertiæ* of the Germans be once moved in that direction. The petition which he had to present prayed for a repeal of the Corn-laws. His constituents, however, did more than ask for a free trade in corn, for they prayed for free trade generally, as the only means of affording employment to the redundant capital of the country, which, as had been proved before the Committee which sat last Session on trade and manufactures, was either going to foreign countries, lying stagnant, or generating competition at home, for want of profitable sources of employment. He was happy to observe, that every improvement in the free institutions of a country increased the public indisposition to submit to restrictions, and the attachment of the people to free commercial intercourse.. Such had been the case in America, and such it now was in France. He was perfectly convinced that in this country also the voice of the people generally would be eventually joined to that of the most enlightened men among them against the unjust restrictions to which they were now subject. The time was coming when nations would be more firmly united together by the mutual interests of commerce than by Protocols, Embassies, or Treaties. He was convinced the peace of the world would more depend upon the intercourse between the Seine, and the Thames, and the Mersey, and the Hudson, than on all the intrigues of diplomatists. He agreed with those who said, that this was the best time for beginning freedom of trade in that article, freedom in which must form the basis of all freedom of commerce—he meant food. The price of corn being now moderate rendered this a proper time to act. The minds of the people were now calm, and they calmly demanded their rights. It was for the Government to take care that their indignation was not wrought to violence by scarcity. Circumstances were evidently forcing on the change for which the petition prayed; and better would it be for the House to anticipate the time when this great act of justice must be conceded. The permanent prosperity of a great empire must not be sacrificed to the interest of a few.

Mr. *Brotherton* supported the petition. He thought a free trade in corn most important to the prosperity of the manufacturing interest, and to the agricultural interest he believed it would be equally advantageous. The county from which this petition came was, in itself, a fair sample of the extent and importance of the manufacturing interest. In 1815, the rental of Lancashire was 3,100,000*l.*; but it now amounted to upwards of 4,000,000. and in the same period, the population had increased from 900,000 to 1,500,000, In that county, the consumption of wheat, was not less than 1,000,000 quarters annually. This was sufficient to show that this free trade in corn would be most beneficial, and would tend to increase the prosperity of the nation at large.

Mr. *Cayley* could not support the petition for free trade. Gentlemen connected with the manufacturing interest, exaggerated greatly, when discussing this subject. They gave themselves credit for taking a very extensive view, when they stated, that the agricultural interest took a very confined view. Men might be great philosophers, and be capable of taking extended views, and yet overlook the objects that were near. The hon. Member who presented this petition, had forgotten to state the number of signatures which were attached to it. The hon. Member had some time since presented a petition, to which, he found there were only six signatures attached. He was not surprised, however, that Liverpool should feel anxious for free trade, as it would be decidedly for the interest of Liverpool. England had been called the work-shop of the world, and Liverpool was the principal door of that work-shop. It was, then, of course, the interest of that town to have a free trade. Liverpool had a commission upon every export and import; so that, the more Manchester exchanged her cotton goods for foreign corn, the more Liverpool might thrive, even though the rest of the country should be in a state of ruin. His views of the identity of interest between the different classes in the State, amount to this—that there was a strict identity between the agriculturists of this country, and those manufacturers who furnished the home market. The maker of cotton or woollen goods for the iron-master who again supplied the plough-maker, were all as interested in the growth of British corn, as the sower of the seed. But, he could easily imagine Manchester, which was now engaged half in the foreign and half in the home trade, to be exclusively engaged in supplying the foreign market, with Liverpool for its carrier. Let them effect their exchanges entirely with foreign agriculturists, and the identity of interest would cease between Manchester and Liverpool, and the British agriculturist. He knew that was an unfashionable doctrine; but it was, in his opinion, true; and would be merely a repetition of the state of the small free trading towns of Germany, and the Italian towns of the middle ages. The hon. member for Middlesex, the other night, had said, that the Corn-laws were directed against the mass of the population, and that manufactures were the staple of this country. He, on the contrary, asserted that this country was essentially agricultural. The population Returns of 1831, of England, Scotland, and Wales, gave the following results:—

Agricultural occupiers	1,500,000
Agricultural labourers	4,800,000
Mining interest	600,000
	6,900,000
Manufactures	2,400,000
Millers, bakers, and butchers	900,000
Artificers, builders, &c.	650,000
Tailors, shoemakers, and hatters	1,080,000
Shopkeepers	2,100,000
Clerical, legal, and medical	450,000
Disabled paupers	110,000
Proprietors, annuitants, &c.	1,116,398
	6,406,398

Now, taking the manufacturers at 2,400,000 in round numbers, as one-third of the 6,900,000 agriculturists and miners. He would apportion the 6,406,398 individuals last-mentioned, as interested in, or employed, two-thirds by the agriculturists, and one-third by manufacturers. He would add 4,077,000 to the agriculturists, and 2,316,000 to the manufacturers—making 10,977,000 agriculturists, and 4,716,000 manufacturers. But of this number of manufacturers, half at least, were employed by the agricultural body and its dependencies; this would deduct 2,358,000 from the aggregate manufacturing interest, and leave only 2,358,000 as the purely, or rather export, manufacturing body, whilst it made the agricultural body and its dependencies amount to 13,335,000. But Ireland was a strictly agricultural country? Add, therefore, 8,000,000, the population of Ireland, to the above 13,335,000, and there was a total of 21,335,000 as the real agricultural interest of Great Britain and Ireland, compared with not more than 3,000,000 at the outside, of manufacturers engaged in the export trade. He, therefore, contended, that ours was essentially an agricultural country. It would be impossible for it to compete with foreign countries in respect to the growth of corn, pressed down as it was with all manner of burthens; and he was anxious to uphold those laws, which secured to the landed proprietor, and the farmer, the slight advantages which they at present enjoyed. They might call the landed proprietors monopolists if they would; but, if their monopoly were the means of keeping 20,000,000 persons employed, the merely calling them by the ugly name of monopolists, would not furnish a sufficient reason for destroying them. Then, as to the question of free trade. What were the facts with respect to it? Why, that we some time ago altered our Navigation-laws, and adopted what was called the reciprocity system, which France very willingly took advantage of to send her silks and wine into this country. But did she in return receive our iron or coals? The philosophers of Germany were all conspiring to shut out our manufactures from that country. They were willing for a few years longer to take our yarn, because they had not got the capital and machinery necessary to spin for themselves; and, he asked, were we to sacrifice the interests of six-sevenths of the population, for the sake of two or three years' trade in yarn? The hon. member for Middlesex had said, that all he wanted was to "unshackle corn." Now, wool had been unshackled in 1825, and what was the consequence? After 1826 the growing of wool became so bad a trade, in consequence of foreign competition, that a great part of the sheep-lands were ploughed up; and this led to a scarcity of wool, and the present high prices. In 1825, the value of our exports of woollens amounted to 6,185,648*l.*; and, in 1832, it was no more than 5,244,000*l.*; showing a falling off of 1,000,000*l.* sterling, in the seven years after the unshackling. He admitted that the value had risen in 1833 and in 1834 to 6,511,780*l.*; but he asserted that such a small rise in nine years was no encouragement to unshackle the trade in corn. He (Mr. Cayley) denied that the Corn-laws had caused the fluctuation of prices. That fluctuation was wholly to be attributed to the variations in seasons, and to the alteration of the currency from 1815, 1819, to 1825, and afterwards to 1831. The hon. member entered into a variety of statements relative to the currency, and concluded by saying, that he opposed the proposition of the hon. member for Liverpool, because he believed that it would, if carried into effect, throw at least four-fifths of the population out of employment.

Mr. *Roebuck* begged the indulgence of the House for a very short time. He considered the question one of the very highest importance, and at the same time so simple, that it could be stated in five minutes; but somehow or other it was always evaded. In the first place, this country was very populous, so much so, that the countries contiguous to it could produce corn at a cheaper rate than it could be produced here. The next fact was, that we were enabled, from peculiar circumstances, to produce manufactures at a cheaper rate than the contiguous countries. Such being the fact, it was clear, that in a natural state of things, the great body of the population of this country must devote their industry to manufactures, and give their produce in exchange for food to be brought from abroad. But it so happened, that there was a body of men in this country, who said, "No, you shall not buy your food abroad for little labour, but you shall produce it at home with much labour and great cost, or go without it!" Now, the question was, whether the advantage derived by this body of men from the restriction placed upon the food of the people counterbalanced the evils it inflicted upon the nation. In the first place, he would assert, that the first injury experienced by the people of England was an increased price of their food; and he was here met by an extraordinary argument on the other side, viz., that the Corn-laws were intended as a protection to the agriculturist, but not to raise prices or rents. How they could complain of the fall that would take place were there a free trade in corn, and yet say, that the object of preventing a free trade was not to raise the price, he could not understand. The advocates of free trade were accused of not taking the agricultural labourers, who were styled the mass of the population, into consideration. Now, he was ready to prove, that the interest of the agricultural labourer was identical with that of the manufacturer, and distinctly opposed to that of the landowner. Because the rise of rent which the latter sought would be accompanied by a rise in the price of the labourer's food, and would lower profits. The agricultural capitalist was in precisely the same situation as any other capitalist, and anything which tended to raise the profits of capital must be advantageous to him as a capitalist. He and his labourers had the same interest as the weavers of cloth and their workmen. The great body of the people, therefore, were taken into consideration by the advocates of a free trade in corn. He had heard it stated, that it would be an injury to the manufacturer, to have the price of food lowered, because, as was urged with that acumen which particularly distinguished some of the corn monopolists, it would deprive the agriculturist of the means of purchasing his manufactures. A very homely illustration would give the answer to this argument: suppose a haberdasher was every day to stand at the door of his shop, and give a shilling to every passenger with a view to induce him to lay it out in his shop, although he might appear to be carrying on a flourishing business, his profits could not be very great. This then was the case in the present instance. The agriculturists took from the people the highest penny they could in order that they might lay it out in manufactures. One of the evils of the present Corn-laws was the fluctuation in the price of corn. Owing to this, all commercial care was set at nought, for there was no security in respect of price. The trade in corn was complete gambling. The advocates of the Corn-laws said, the object of the fluctuating duty was to produce an equality of price. But the effect was the very contrary; for when corn came up to a certain price, foreign corn was admitted, and then the price of corn dropped down immediately. Who were injured by this change? Not the landlords certainly. The person who suffered was the farmer. It had been said, that the interest of the landlords was of such paramount importance that any other interest in the country ought not to be considered in competition with that. He had heard it stated, that the greatest interest in the House was the landed interest. He would take the monied interest, which was understood to include the agricultural capitalist, as well as the monied capitalist. He contended, that the landed interest was nothing more than the interest of the landlords. An hon. Member had said, that you might cut off Manchester or any of the large towns without an injury to the general trade of the country.—[Mr. *Cayley* said, that he had only made the statement hypothetically.]–But if it were an hypothesis, from which no advantage could be derived, why make the hypothesis at all? England was chiefly indebted to its manufactures for the position which it held among nations; and, though he would not then enter on the question of capital, he believed, it was undeniable that more of the capital of the country was employed in manufactures than in any other branch whatever. It had been said by an hon. Member on the other side of the House that, even if the ports were opened to-morrow, it would have no influence on the supply from the north of Europe. This he denied; but he would assume it, however, to be the case for the sake of argument. He would, however, beg leave to ask the hon. Member, what would its influence be on North America—North America, which, considered either with regard to its present or future opulence, was undeniably the most important market in the world? Was it not in evidence before the world, that the people of the United States—that ever-increasing and extending portion of the social community—that place where the want of all which our manufacturers produced increased more than a hundredfold in the year—was it not admitted, that the people of this most important section of the world were willing to exchange their agricultural products for the results of our industry and skill; and that, in consequence of our not acceding to their desire, they had been compelled, in self-defence, to adopt towards us that system which we had long adopted towards them? If there was a market in the world worth coveting, it was the North American market, because the human mind could set no limits to the probability of its extension and the increase of its demands. What, then, became of the hon. Member's objection, even making him a present of the German market? The hon. Gentleman concluded by asserting, that it was evidently the interest of the people in every possible point of view, social or commercial, to insist upon a free interchange of production between America and England, without modification or delay.

Sir Robert Peel: The hon. Gentleman, the member for Bath, commenced his speech by observing, that this was a very simple question, which could be stated in five minutes. Now, what precise period of time it would take to state the whole of the case I will not determine; but this I know, that the hon. Gentleman has occupied the attention of the House for considerably more than five minutes, and yet he has omitted altogether almost every one of the most important elements which enter into the consideration of a question of the utmost importance, complication, and difficulty. Take, for instance, one consideration, the relation of this country to Ireland; the attempts making to excite a popular feeling in Ireland against the legislative Union; the degree to which those attempts may be encouraged, should we depress that interest in the sister country on which her prosperity almost exclusively depends. Surely this is an important element in the decision of the question, which cannot be excluded from the minds of provident statesmen. Surely the difficulties it involves are not removed by the mere assertion—that the principles of free trade require you to buy your corn in Poland, if corn is cheaper in Poland than in Ireland. The hon. Member says that the case is simply this: other countries can produce corn cheaper than England, and England can furnish manufactured goods at a cheaper rate than other countries, and therefore all further discussion is needless; the conclusion is inevitable, that there ought to be a perfectly free interchange between the two commodities. But is this position (a position tenable, perhaps, in the abstract with respect to a new society, and a new state of things)—is this position necessarily true in regard to a country situated like this, with balanced and complicated interests, with burthens from taxation which cannot be removed, and those burthens unequally apportioned in their pressure? The hon. Gentleman says, that the landed interest claims the continuance of the duties on foreign corn, on the sole ground that that interest is the most important interest, and has a claim to be protected at the expense of all other classes of the community. I deny this to be the ground, that is, the exclusive, or the main ground, on which the landed interest rests its claim for protection. Whether it be not most important, in a constitutional point of view, to maintain that interest—whether the moral and social interests of the whole community are not deeply concerned in its maintenance, is a point into which, on this occasion, I will not enter. I concede nothing upon that point to the hon. Gentleman, but I will content myself for the present with showing, that protection for the land is not urged merely on vague allegations of general policy, but on the grounds of substantial and equal justice. I contend, then, that before you determine to take off the restriction on the import of foreign corn, you ought first to look at the burthens to which the landholder is subject, and at the difference of degree in which those burthens, whether they be local or public burthens, press upon the landed proprietor and the manufacturer respectively. Consider the Land-tax, the Malt-tax, and the payment of tithes; for tithes are admitted by all political economists who have written on the subject of free trade in corn, to be a tax peculiarly burthensome to the land, and for which the land is entitled to equivalent protection. I hold in my hand an account of the amount of Poor-rates paid by this country in the year 1823, which, though it may refer to a somewhat remote period, will yet tend to show the proportionate pressure of that impost upon the land and upon trade. The total amount of the Poor-rates paid in the year 1823, in England and Wales, was 6,703,000*l*. Of this, dwelling-houses paid 1,762,000*l*.; the land, 4,602,000*l*.; and mills and factories, only 247,000*l*.—namely, one-eighteenth part of the payment of the land. I ask, therefore, can it be said, after such a statement, that the local burthens are fairly appropriated between the landed and the manufacturing interests—and have not the proprietors of land a right to claim, on this head alone, that degree of protection for their property, which is equivalent to the excess of contribution to which the land is subject? As I before observed, I will, on the present occasion, put out of the question the policy of supporting the landed interest on grounds involving moral and social considerations. I will not now dwell upon the importance, in a national point of view, of encouraging the improvement in the land, or the effect which that improvement has had in promoting the general health, and diminishing the average mortality of the country. I will not now discuss whether there be not other and higher considerations for a great country, than the mere accumulation of wealth, and whether we should be a happier people, even if we were a richer—if this country presented nothing but vast congregations of steam-engines and factories, separated by morasses and rabbit warrens—I will, I say, put all considerations of this kind out of the question, and merely ask, is it fair or just to hold up the landed proprietor as a monopolist, claiming an exclusive protection for his property, from motives of mere pecuniary gain? If there be a free trade in corn, is it not evident that the landholder will be no longer able to bear those burthens which press peculiarly on the land? Let not the manufacturer suppose, that, if the interest of the landholder is sacrificed, he can bear his present burthens; there must be a different appropriation of those burthens—a transfer of them from the landed interest to more prosperous claims. Will the land be able, when exposed to competition with foreign corn, any longer to support those classes of the poor whose distress is occasioned by the vicissitudes of manufactures? Do those who represent the landholder as a monopolist mean to contend that there is no other monopoly but that of the supply of corn?—that the landholder claims an exclusive protection?—that the landholder is subject to no tax imposed for the purpose of securing monopoly, or giving protection to the manufacturer? It is true, that this petition applies generally for the establishment of free trade. I can well understand that the great export merchants of Liverpool are desirous for a free trade in corn, and in all manufactured articles also; but do the manufacturers of the large towns, and throughout the country, join in such a demand? There is a great misconception on this head. The manufacturers seem to think that restrictions on the import of foreign corn are open to some special and peculiar objection in principle, to which restrictions on the import of foreign manufactured goods are not liable. This Liverpool petition speaks of restrictions on the corn-trade as at variance with the rights and privileges of free-born Englishmen. This is mere nonsense. Such restrictions are no more at variance with any right of the subject than restrictions on the import of foreign silk handkerchiefs. The objection to the restrictions on foreign corn is this,—that they give an undue encouragement to the application of capital to the production of corn, and that, therefore, by the diversion of capital, they diminish the sum of the national profits. Precisely the same objection applies, and with equal force, to every restriction on foreign manufactures, operating as a bounty on our own. There is no difference in the characters of the two monopolies. I will refer to any writer on the subject—I will ask the hon. member for Bolton, whose works I have read with great pleasure, as they are distinguished by very great clearness and ability, whether there is any argument which can be urged against the protection of the landholder which is not equally applicable to the protection afforded to the manufacturer? I do not think the manufacturers clearly understand, that the abolition of the restrictions on foreign corn must be instantly followed by the removal of every impediment to the import of foreign manufactures. And are there no such impediments? I have before me pages upon pages of duties on foreign manufacture, beginning with letter A, and ending with letter Z.—[Mr. *Hume:* These are collected for the revenue.]—No; nine out of ten of them are imposed, not for revenue, but for the purposes of prohibition or protection. The hon. Gentleman speaks of revenue; why, so far from the landed produce of this country being protected exclusively from foreign competition, there is so much of foreign butter and cheese introduced, that the revenue collected upon those two articles alone amounts to 200,000*l.*—to more than is collected on the import of the whole foreign silk manufactures.

Mr. *Hume:* It is not denied, that a considerable sum is raised upon the importation of foreign cheese and butter, but that the duty on these and other commodities raises the price without any benefit to the State.

Sir *Robert Peel:* And is not the effect of the duties on foreign silk precisely the same? What I am now maintaining is, that the landlords do not enjoy an exclusive monopoly. Let the silk manufacturer propose an abolition of the duty on foreign silks, and then he may, with some better show of reason, at least, complain of the Corn-laws. Recollect, too, that the landholder has to pay the Land-tax, and the Malt-tax, and the Tithes.—[Mr. *Hume:* It is the consumer who pays the Malt-tax.]—Yes; but the consumer will consume more malt, if you repeal the tax. The tax, though paid directly by the consumer, operates as a discouragement on the growth of barley. The member for Bolton must think with me, that the Malt-tax is a burthen on the land; for he gave notice the other night, that, if the hon. member for Oldham had succeeded in abolishing the Malt-tax, he should move for the repeal of the duty on foreign barley. I should like to know what single article of manufacture this landholder—this great monopolist—can consume, without paying a tax. What step can he take—which way can he look—what is the single action of his life that is not taxed for the protection of the manufacturer? The manufacturer claims a right to eat foreign corn without paying a duty—can the farmer wear a foreign dress without paying one? Can he look out of his window—can he build his house—can he dress himself—can he eat his meals—can he enjoy any amusement in doors or out—without encountering a tax, levied, in addition to the original cost, on every article of foreign manufacture? Let us begin with the first act of the day. He dresses himself. If he wishes to wear foreign boots, he must pay at the rate of 2*l.* 14*s.* per dozen pair; for his foreign hat, he must pay 10*s.* 6*d.*; for his shirt, forty per cent; if he indulges in foreign woollens, he must pay twenty per cent; but, if he should fancy a foreign silk hat, how much do you think he will have to pay? No less than a duty of 1*l.* 5*s.* for the single hat; and if his wife should covet a silk gown of foreign manufacture, she must pay a duty of 2*l.* 10*s.* So much for the farmer's dress. Now take his meals. Upon foreign porcelain, he must pay twenty per cent; upon his glass, twenty per cent. If he uses an article of foreign silver plate, he must pay 6*s.* 4*d.* per oz.; if of gold plate, 3*l.* 16*s.* 2*d.* per oz. His very walking-stick is taxed. [An *Hon. Member*: No; the taxes on foreign canes are abolished.] I beg your pardon; they are no such thing; so far from it, there is more ingenuity shown in imposing discriminating duties upon foreign walking-sticks, than on all the other articles put together. I am speaking with the book before me. If I walk with a bamboo-cane, I pay at the rate of 5*s.* the 1,000; if with a rattan, not ground, 5*s.* the 1,000; if with a whangee, or a jumboo, or a dragon's blood, still 5*s.* the 1,000; but, if I aspire higher,—if I take pleasure in a walking-cane or stick that is either mounted or painted, or otherwise ornamented—that is, if there is the slightest competition with domestic labour —then I must pay twenty per cent duty on the value of my ornamented stick. [Mr. *Hume*: These duties are absurdities.] So they are; but, therefore, they prove more strongly the *animus*—they prove more strongly, that protection is the ruling principle. Now, these are some of the items—a very small part—but some of the items of that Bill which the right hon. Gentleman, the President of the Board of Trade, the other night, called upon the agriculturist to furnish. He said, "Bring in your bill, and I will pay it." Why, we cannot make out the bill without a tax on every article we use in making it out: for our pens we must pay thirty per cent; for our pencils thirty; for the paper on which we write, 9*d.* per lb. If we send the Bill to the right hon. Gentleman in an envelope sealed with wax, we must pay thirty per cent; if we use wafers, 1*s.* 3*d.* per lb. It is the same with every foreign article necessary for the convenience or the amusement of this supposed monopolist—the farmer. If he rings a foreign bell, the charge is thirty per cent; if he wears a foreign watch, twenty-five; if he uses a foreign carriage, thirty; if he shoots with a foreign gun, he must pay twenty per cent; and foreign gunpowder he cannot buy. If he plays on a foreign fiddle or a foreign flute, or any foreign instrument, the duty will be twenty per cent; but if he plays with foreign cards, he incurs the moderate charge of about 7*s.* per pack duty, for what, probably, costs 1*s.* Have not I, then, established my position—that there is scarcely one act of a farmer's life for which he is not subject to a tax; and that tax imposed for the protection of some domestic manufacture? Nay, taxation does not end with his life—it visits him even in the grave; for if he should desire to lie under foreign marble, he must pay 2*s.* 6*d.* per square foot for his tombstone. Now, what does all this show? That the restrictions on the import of foreign corn are part of a whole system of restrictions devised and continued for the purpose of encouraging both domestic produce and domestic manufacture; that the grower of corn is no more a monopolist, no more a gainer by protection, than is the watchmaker, the hatmaker, the shoemaker, the glover, the manufacturer of paper, of silk, of brass-work, of woollen, of cotton, of porcelaine, of carriages,—of everything. Destroy the whole system of protection and prohibition, and even then you will have to consider whether the burthens upon the land are not unfairly laid—whether the produce of the land, malt, for instance, is not taxed in a degree, which, although the tax may be paid by the consumer, unduly encourages the consumption of other articles, to which, but for the tax, malt would be preferred. You will have, also, to consider whether [it is just that the land should bear so large a proportion of the expense of maintaining the roads and of administering criminal justice, when the large towns—the congregation of great masses in manufactures—contribute so much more than the land towards the production of crime. [Mr. *Roebuck*: That is not the case.] I differ from the hon. Gentleman, but I will not insist upon the point; but, still, suppose the extent of crime to be equal in the two classes, the manufacturing and agricultural, can he deny this—that the expense of punishing crime falls disproportionately upon the land? Here, Sir, I must, on account of the hour, conclude. It was not my purpose to enter into the general considerations on which the policy of encouraging agriculture may be vindicated. I purposely took, in reply to the hon. Gentleman, the humbler and much more limited ground, of attempting to show, that the agriculturist, in opposing the free trade in corn, is not claiming for himself an exclusive protection—that the protection which he claims is not more than the special burthens which he bears—and that it is, therefore, most unjust that he should be held up to public odium as an unfeeling and rapacious monopolist.

Speaker left the Chair. Debate adjourned.

BOROUGH OF STAFFORD.] Sir Thomas Freemantle moved the Order of the Day for the House to resolve itself into a Committee on the Stafford Disfranchisement Bill.

On the question that the Speaker leave the Chair,

Sir *Oswald Mosley* rose for the purpose of moving, that the Question be again referred to a Select Committee. He stated, that his object was not needlessly to delay the Bill, nor did his Motion arise from any hostility to the hon. Baronet. He was only anxious that justice should be done to all parties, and that the innocent should not suffer with the guilty. Such would, undoubtedly, be the case if the borough of Stafford were totally disfranchised; while all which the House wished, all which justice demanded, would be attained by opening the borough, and extending it to the towns of Eccleshall, with ninety-three 10*l.* houses, and to Stone, with 216 10*l.* houses. Thus a new, sound, and untainted constitution would be united with Stafford, which might still be allowed to return two Members to Parliament. If this course were not taken, the effect would be, to deprive the northern division of the county of Stafford of two of its Members: it had now only six to a population of 180,000 souls, while the southern division had eight Members to a population of 220,000 souls. The county of Stafford, it ought to be recollected, was a great manufacturing county, and in point of importance, it was second only to Lancashire and Middlesex. As there was no sufficient reason for disfranchising the borough of Stafford, when a sound constituency could be obtained in the immediate vicinity, he would move as an Amendment, "That a Select Committee be appointed to take into consideration the evidence already before the House; and to receive farther evidence if it were thought expedient, with a view of ascertaining whether it was not possible to obtain a sound and competent constituency in the neighbourhood."

Sir *Thomas Freemantle* opposed the Motion, which was so nearly similar to one formerly negatived by the House, that they might be considered almost identical. The object of both had been to prevent the total disfranchisement of Stafford, and the question was, whether that borough, having been found guilty of gross bribery and corruption at the last election, the House was not called upon to agree to a measure of severity. Considering the proportion of the Representatives for Staffordshire, to its population, it could well afford to spare two of them, and still be deemed amply represented, notwithstanding the last speaker had, in this respect, pleaded the case, as it were, *in forma pauperis.* The House had laid down a rule for the disfranchisement of places against which corruption had been established, and in this instance it ought not to be departed from. He should be extremely sorry to do injustice to any set of men, but when a large proportion of the electors of a place were found to be unworthy of the trust reposed in them, it ought to be deprived of the right it had enjoyed, for the sake of example to the rest of the kingdom. It was a singular fact that no petition had been presented from the delinquent borough, praying that a partial measure like that, for which the hon. Baronet had contended should be passed. On the contrary, a petition had been sent up to him (Sir Thomas Freemantle) signed, as he was informed, by 100 unimpeached voters, praying, that if any measure were to be passed, it should be one of total disfranchisement. It was true that petitions had also been presented from Stone and Eccleshall, seeking to participate in the franchise together with the borough of Stafford. He thought that the inquiry had already been ample, and that nothing could be gained, in point of information, by the appointment of another Select Committee.

Sir *John Wrottesley* remarked, that if Stafford were disfranchised, it was an important question what should in future be done with the writ. All he claimed was, that the House should deal equally with all these cases—that it should adopt and apply the same rule to each borough where corruption was established. The boroughs of Stafford, Warwick, and Hertford were already before the House, and he saw no reason why one rule should be applied to Warwick and another to Stafford. To Warwick, Leamington had been added, and the constituency of Stafford, ought, on the same principle, to be increased and purified, by communicating the franchise to Stone and Eccleshall. He could bear witness to the purity of the freeholders of Stone and Eccleshall, having for some years represented the county: indeed, he knew of no corruption among the freeholders of any part of Staffordshire, and did not believe, that it existed. Those freeholders who resided in the borough of Stafford, had never given him the slightest intimation of a desire to receive money, or to obtain patronage. The Amendment of his hon. friend was well worthy the attention of the House, for it was impossible to disfranchise the borough of Stafford altogether, without committing great injustice.

Mr. *Ord* supported the original Motion. There voted in this borough 318 10*l.* householders, of whom 194 were proved to have accepted bribes; and out of 731 freemen 638 were bribed. This was too small a remnant of purity; there was not a sufficient number of just men to save a city. He wished to put an end to corruption, and having caught a great offender, he would make an example of him. He did not mean to deny, that there were large districts in the neighbourhood where a respectable constituency might be found, but he objected to them being in the vicinity of a place so corrupt as Stafford, they were likely not to have escaped the contagion.

Mr. *Edward Buller* said, if a respectable constituency could not be found in the neighbourhood, they ought to disfranchise the borough. There was no fixed rule to guide them in cases of this kind. If the rule was to disfranchise places in which a majority of the electors were corrupt, why was it not applied in the case of Liverpool? It did not appear, that the respectable inhabitants of Stafford were concerned in bribery. They were told that petitions were presented from some of the inhabitants, praying that the borough should be disfranchised. It seemed unnatural that men should petition to be deprived of a valuable right. If they did present such a petition, they were perhaps in the same situation as the man in the fable who prayed for death, and when he made his appearance would be very glad to see him go away again. In the case of Warwick it appeared to him, from looking at the evidence, that there was more gross corruption and bribery, and a great deal more of treating, than in that of Stafford. Many respectable persons were now willing to come forward and prove, that there was a great deal of exaggeration and misrepresentation on the part of the witnesses before the Committee. The fact was, that all the witnesses in this case turned King's evidence, and gave their evidence from a desire to deprive their opponents of the franchise. He did not think there was an old borough in England that could stand the test of strict inquiry, nor, he feared, even the new one of Marylebone. Before they proceeded to punish by any strict and fixed rule, they should first lay down that rule, and appoint a tribunal to apply it in cases of this kind. He contended that a sound constituency might be had; and, therefore, would oppose the original Motion.

Mr. *Halcombe* referred to the fact, that the Report upon which the House was called upon to proceed, was not the Report of an Election Committee; and the evidence, therefore, not being upon oath, it could not be deemed so satisfactory as to establish a ground for disfranchisement. It was openly said in the town of Stafford, that the witnesses gave their evidence without caring much what they said. There was a material difference between the case of Hertford and Stafford, for in the former there was an Election Committee, and the evidence was, of course, upon oath. One of the witnesses was afterwards convicted of perjury. No opportunity of this kind was afforded in the case of Stafford. Why not suspend the proceedings in this case as well as in that of Carrickfergus?

The House divided on the Amendment —Ayes 11; Noes 97: Majority 86.

The House went into a Committee. The several clauses, with verbal Amendments, were agreed to; and the House resumed.

BOROUGH OF HERTFORD.] The House resolved itself into a Committee on the Hertford Borough Bill.

On the First Clause having been read,

Sir *Robert Peel* rose to move an Amendment, the effect of which would be, if adopted by that House, to leave the Bill in this state, that the elective franchise of that portion of the constituency which had been declared corrupt by the Report of the Committee, would be forfeited, but the existing limits of the borough—the extended limits as laid down by the Boundary Bill—would be still maintained, and the elective franchise would be preserved to those constituents who had been declared by the Report of the Committee to have remained pure and untainted by the corrupt practices which disgraced others. He conceived it to be unnecessary to give an assurance that he was ready to acquiesce in any measure which should have the effect of punishing proved corruption. With great reluctance, and with great violence to his own feelings, by the last vote which he gave, he consented to forfeit the franchise of that town which was the capital of the county in which he resided. He deeply regretted it; but he thought the proof of the general corruption prevalent in Stafford was so strong, that, whatever be the reluctance with which he gave such a vote, he was bound to overcome it, and to consent to make that borough a public example. For this same reason he would consent to the passing of the first clause of the present Bill, by which the guilty would be punished. But he should maintain, on grounds which appeared to him to be immovable, that they were called upon to preserve to the remaining portion of the inhabitants of the borough, the franchise they now possessed, and which they had exercised with proved integrity. There were in this case, as in almost every question, considerations both of expediency and of justice. Of the impolicy of making a large rural district into a borough, and of giving it the privilege of returning Members to Parliament, instead of retaining that privilege to the town,—of the objections to giving, as this Bill would give, in point of fact, two additional Members to the county of Hertford—being five in the whole,—he had before spoken. He would not, on the present occasion, advert to any considerations of expediency; he addressed himself to the House sitting in its judicial rather than in its political capacity; and he felt the considerations of justice to be so powerful, that he would not consent to weaken their force by any reference to considerations of mere expediency. Founding his argument upon the Report of the Committee, and upon the preamble of the Bill, he would attempt to show, that there would remain within the existing limits of the borough of Hertford, a constituency numerous, respectable, and above all suspicion; and that the House—acting in its judicial capacity—entertaining a desire to make a just discrimination between the guilty and the innocent—prepared to inflict punishment where punishment was due—but to protect innocence from that measure of punishment which guilt only should incur,—he should attempt to show, that the House was bound to preserve to the honest possessors of the franchise their entire rights. In the preamble of this Bill, he entirely concurred; thinking that bribery and treating prevailed previously to, and during the last election of Members to serve in Parliament for the borough of Hertford, and thinking it was expedient that means should be taken to prevent the future return of Members to serve in Parliament for the said borough being influenced by corrupt and illegal practices; but he would undertake to prove, that if the House continued the privilege of voting to the 10*l.* constituency and the freemen, it would fulfil the object contemplated by the preamble of the Bill, and would effectually prevent the existence of corruption for the future. Out of deference to the Report of the Committee, he consented to disfranchise the old constituency. That Committee formally examined the whole case, and inquired into the manner in which the election had been conducted; and although he thought the proof of actual corruption not very strong, yet still, on a view of the whole circumstances attending the election,—the extent to which treating prevailed,—the distribution of tickets, if not amounting to bribery, were very nearly akin to it, and would afford, if the practice were unchecked, a ready means of bribery. Combining with these considerations the deference due to the Report of the Committee, which heard the whole of the evidence, he should not object to the disfranchisement of that part of the constituency which was considered by the Committee to be corrupt. The next question for the House to determine was, whether or no there would remain within the existing limits of the town of Hertford a constituency sufficiently numerous and respectable to be intrusted with the elective franchise. For proof of its respectability he relied on the Report of the Committee, of which the hon. Gentleman opposite (Mr. Bernal) was Chairman. That Committee — having maturely examined the case,—animated by a sincere desire to administer impartial justice,—having, certainly, no leaning in favour of the borough—after hearing the evidence, and deliberating upon it,—made this remark :—'That the portion or 'class of the electors of the borough of 'Hertford, who have been affected by the 'corrupt practices which prevailed pre'viously to, and at the last election, were 'the inhabitant householders renting 'houses under the annual value of 10*l.*, 'who, with very few exceptions, appear to 'have participated in, and were connected 'with, such corruption.' That was the conclusion at which the Committee arrived. Let the Bill proceed upon that; let those who were guilty incur the penalty; let that penalty, as the corruption was so extensive, extend to the whole class. But the same Committee reported,—'that, on 'the other hand, your Committee have not 'been able to discover that the general 'body of the freemen, or of the 10*l.* 'householders, except, perhaps, in some 'few cases, have been at all affected by, or 'concerned in, any of the said practices.' Let the House observe, that the whole of this class—with the exception of some few cases, and even that exception was qualified by a "perhaps:"—the whole of this class, including the freemen and 10*l.* householders, notwithstanding the temptation to which they had been exposed, were acquitted by the Report of that Committee, not only of having been concerned in, but even of having been the least affected by the practices which prevailed. If the number were sufficient to constitute a good constituency, considerations of strict and rigid justice would preclude the House from subjecting these men to the punishment which should be reserved for guilt. There would remain in the borough of Hertford, if his suggestion were adopted, in the first place, 124 voters, voting only as freemen. The Committee reported that there were in the town of Hertford between 430 and 440 houses or tenements of the annual value of 10*l.*, but that some of these were in the occupation of females. On the question, what constituted a sufficiently numerous constituency various opinions might be held; but he could refer to a high authority on the subject,—the Reform Bill,—on which the whole elective system of the country was founded. In most matters of this kind—necessarily in some degree arbitrary—there was no rule to control or guide individual impressions; but here he found a guide, of which those who concurred in the principles of the Reform Bill ought entirely to approve. By the Reform Bill it was declared, that every one of the ancient boroughs of this kingdom, which had a population of 4,000, should be entitled to retain its right of returning two Members to Parliament, and the instructions given by the Government to the Boundary Commissioners, for the purpose of enabling them to report whether, in any case, the limits of a borough, the franchise of which was preserved, should be extended or retained, were to ascertain whether there were 300 10*l.* householders within the ancient borough. Four thousand inhabitants, therefore, was the amount of population assumed by the Reform Bill, as the proper one to protect the ancient boroughs from disfranchisement, and the existence of 300 10*l.* householders within the borough, was assumed as a number amply sufficient to warrant the preservation of the ancient limits of the boroughs. There were, at present, however, in the town of Hertford 520 10*l.* houses; at the time of the Report, he believed, there were not more than 440; but so flourishing was the town, that since that period no less than eighty additional houses had been built. Hon. Gentlemen opposite smiled, by which he supposed, if a smile could insinuate anything, it was meant to be insinuated that some of these houses might have been built for election purposes; but that he positively denied. He would adopt the principle of the Reform Bill in this respect—he would disregard all individual interests. He had nothing to do with individual interests, and, by consenting at once to disfranchise the whole class of voters renting houses below the annual value of 10*l.*, he gave a conclusive proof that individual interests, entered not into his consideration. Even supposing, that the anticipated repeal of the House-duty had had the effect of adding 100 to the constituency which existed when the Report of the Committee was made, he had as good a right to take credit for that 100 in calculating the number of persons entitled to the franchise as if it arose from any other cause. The simple question was—were there 500 10*l.* householders?—not how they became so? Suppose, then, that instead of 443, there were in the borough of Hertford 520 respectable householders capable of exercising the franchise with propriety, he had a right to add those 520 respectable householders, to the 120 freemen, in order to fortify and confirm the argument, that the House was not entitled to deprive this place of its privilege, or depreciate the value of that privilege by uniting this town with half a dozen others. By the Reform Bill, no less than thirty boroughs were left in the possession of the right to return two Members, the number of houses in which was under 430. How many there were with less than 520, on which he founded the claim of Hertford, he had not the means of ascertaining. Of these thirty towns, twenty-six paid a less amount of assessed taxes than was paid by Hertford—another sure indication of the importance of the town. The Commissioners, in their Report, which was made in the year 1831, described the town of Hertford in a very short but emphatic sentence;—as a busy and prosperous town. He would compare the state of Hertford with that of the neighbouring town of St. Alban's, the franchise of which was untouched by the Reform Bill. He did not complain of that; it was left very properly untouched, because it was considered to have a constituency sufficiently respectable, and a population sufficiently numerous, to entitle it to retain the privileges which it possessed. The population of Hertford was 5360; of St. Alban's 5771. The amount of assessed taxes annually paid by Hertford was 2,273*l.*; by St. Alban's, 2,127*l.* The number of rate-payers in Hertford was 849; in St. Alban's 709. He said nothing whatever of Hertford being a county town. He placed no reliance on that fact, though many Gentlemen might think it aggravated the injustice to deprive a county town of its representation. He was content to waive all advantage from this argument, and to place Hertford on the same footing with every town left untouched by the Reform Bill. He claimed for Hertford only the same right which was conceded by the Reform Bill to every borough containing the same amount of population, and an equal number of 10*l.* houses. But mark the difference between the principle of the present measure, and that of the Reform Bill; the present Bill inflicted a judicial punishment; the Reform Bill was a political measure, founded on the assumption, that a great alteration in the elective system was necessary. In that case, it was argued that, although the Legislature might regret the necessity of interfering with existing interests, yet, when the public welfare was at stake, all minor considerations of individual interest must give way. When dealing with the Reform Bill, they were not acting judicially; they were acting as politicians; and, in that case, the interests of individuals might, with much less of violence and injustice, be sacrificed to the good of the whole community; but even if they were acting on mere political grounds—on exactly the same principles they acted in regard to the Reform Bill—still they would be bound by similar considerations of expediency to adopt the principle of that Bill—that principle which rescued thirty boroughs of smaller population and more limited constituencies than Hertford from disfranchisement. But as they were acting judicially, they were bound by much higher considerations not to go beyond the Reform Bill. On what principle, if St. Alban's and these thirty towns were left in possession of their franchise, could they confiscate or interfere with the rights of this constituency, which was admitted to be at least as pure as that which existed in any of the other boroughs? They had no evidence with respect to their purity or corruption—they had no proof of their having been exposed to temptation; but here the House had distinct proof, that corrupt practices did prevail, that these men were exposed to temptation, and that they honestly resisted it, and remained pure. He asked, then, would it not be utterly inconsistent with the first principles of justice to inflict any punishment whatever on them? It was of the utmost importance, in order that the example should be effectual, that they should establish a just discrimination between the innocent and the guilty. He said, forfeit the franchise of the men proved to be corrupt—nay, forfeit the franchise of that class, the vast majority of which was corrupt; but if he found other classes who, amidst corruption and temptation had remained pure, he would first, out of a regard to justice, and next, in order to make the example of the guilty effectual, respect their integrity. Was it not of great importance that examples should be made of the guilty only. They were all aware how necessary it was, that the other House of Parliament should concur in the Bill. He hoped they would; he was sure nothing could be so unfortunate as the constant postponement of legislative measures in consequence of differences of opinion. If they erred, then let them err on the safe side; and send up a Bill consistent with the principles of justice, and then they would run no chance of the necessary punishment not being inflicted; but if they sent up Bills which might be reasonably considered not in accordance with the principles of justice, there was a fair ground for resisting them, and the consequence of that resistance was, that no punishment at all would be inflicted, and the guilty persons would remain in possession of the franchise. What an appeal might be made to the House by these 10*l.* householders, supposing the House determined to deprive them of their franchise! They might say, "Of what avail is our integrity; it meets with no regard from you; you deal out to us precisely the same punishment which would have been our lot had we been corrupt." If he had shown, that, by the principles of the Reform Bill, this borough would have been safe with its present constituency, if he had shown, that in point of fact, it had a larger constituency than thirty boroughs which were left untouched by the Reform Bill—if adopting the Reform Bill as the test by which to determine the amount which constituted a sufficiently numerous and respectable constituency, this borough would be safe, then he implored the House, acting in its judicial capacity, to make a distinction between the guilty and the innocent, and not to permit those who had resisted temptation—who had been acquitted, even of participation in the remotest degree, with the corrupt practices which prevailed—to be involved with the guilty in one common punishment. His Amendment was, that all the remaining clauses of the Bill, after the first, be struck out.

Mr. *Bernal*, in opposing the Amendment proposed by the right hon. Baronet, observed, that the right hon. Baronet had founded all his arguments upon the principles of the Reform Bill. The right hon. Baronet had argued, that as there were now forty boroughs with very restricted constituencies, there would be a constituency sufficiently numerous at Hertford if it consisted of 380 voters. He cared very little what the amount of the constituency was under the Reform Bill. In the situation which he had the honour of holding whilst the Reform Bill was under discussion, he had never had an opportunity of declaring his sentiments upon that part of the measure. He regretted much that there were such limited constituencies as the Reform Bill contemplated. It was not a beauty of the Bill, but a great misfortune of it, that it erected 300 electors into a constituency. He should be glad to see it enacted that there should not be a constituency in the country with less than 1,000 persons. He was sorry that there were such small constituencies as those to which the right hon. Baronet had alluded. The right hon. Baronet had said, that there was now a sufficient constituency at Hertford. He disputed the fact, and contended that the Reform Bill contemplated a larger constituency at Hertford than that which would exist upon the plan proposed by the right hon. Baronet. It contemplated a constituency of, at least, 700 persons. Much had been said by the right hon. Baronet about the evils which would arise from joining agricultural districts to a town constituency. He (Mr. Bernal) had great objection to swamping town voters with the population of rural districts; but he could not see how that applied to the present case, inasmuch as the parishes proposed to be annexed to the borough were not of a purely agricultural character. The principal parish was that of Ware, where a very considerable trade was carried on. It contained 989 families, of which only 109 were engaged in agriculture, 310 in manufacture, and the others in retail trades and various kinds of handicraft. It could not, therefore, be called an agricultural district. The same observation applied to the hamlets of Amwell, Hoddesdon, Stapleford, Branfield, &c., all of which were within the circuit of four or five miles of the borough to which they were proposed to be in future attached. Much had been said about measures of punishment, which the right hon. Baronet seemed most seriously to deprecate. He could not very well see what that meant, as applied to the town of Hertford, merely because, to use a word which of late years had assumed great importance, the Committee had recommended that it should be swamped by a new accession of voters from the adjoining parishes. It was proposed, no doubt, to disfranchise the old inhabitant householders, who had been always, with a very few exceptions, open to charges of bribery and corrupt practices; but how it should be construed into a punishment of the borough, that a new infusion of 300 or 400 honest voters should be admitted, he could not understand. When so much was said of the measure being a punishment, it seemed to him as if the right of voting were held on some private footing, and for a selfish, reserved purpose. The Committee did not propose to take away altogether the franchise from the borough; but, being placed in a dilemma, it had adopted a middle course, to admit a class of 10*l.* householders, which, from their contiguity to the borough, and their amount in numbers, would in future prevent the recurrence of corrupt practices. The Committee having bestowed their best attention on the subject, their recommendation deserved the consideration of the House; they had acted according to the best of their judgment, in reference to the circumstances of the borough, the amount of population, and the respectability of the different surrounding parishes, and he, for one, felt himself bound conscientiously, on principle, to support the Bill in its present form.

Mr. *Tennyson* entreated the Committee to remember that they were addressing themselves to this question solely in their judicial capacity. He did not stand there in the quality of a Reformer, although no one could doubt his sincerity in the cause of Reform, for he challenged any one to say, that he had ever personally flinched from making the greatest sacrifices in its cause; yet, looking at the Report of the Committee and the evidence by which it was accompanied, he was bound to say, that a case had not been made out which justified the Bill to its full extent. He did not think, that any reason had been shown for swamping the borough of Hertford. He objected on principle to the adding of large agricultural districts to the constituency of towns, which were considered by the Constitution as representing the trading interests of the common people. He saw no reason, if the Reform Bill had properly balanced the representation, for adding two additional county members, for such would be the effect of the present Bill, to Hertford. The proposed annexation of the rural districts would add largely to the influence of the landed interest; and it had yet to be shown, that that they would furnish a pure and independent class of voters. No satisfactory ground had been laid for the second clause of the Bill. The constituency, as it would remain if the 10*l.* householders were disfranchised by the operation of the first clause, would amount to upwards of 500 permanent voters, besides the freemen. There would be a body of 800 respectable voters. He thought, therefore, that all that was necessary to be done would be effected by the first clause, and Hertford would still have a constituency as large as was contemplated by the framers of the Reform Bill. On referring to the returns on the subject it would be seen that more than one borough, even under the constituency given by the Reform Bill, had much less than 300 voters each. He believed that Tavistock and Richmond had much less than that number. He did not, therefore, think that it would be urged that five hundred and ten was too small a constituency for Hertford. He objected for the reasons he had stated to add a large agricultural district to Hertford. The boroughs, constitutionally speaking, were considered as representing the manufacturing and trading interests, and therefore their constituency should be confined to the inhabitants of towns. If, therefore, the constituency of such places as Hertford were to be sluiced by the admission of large bodies of agricultural voters, it would be only adding to the influence of the aristocracy in that House. He felt strong objections to the Bill as it stood, and therefore he would give his support to the Amendment of the right hon. Baronet.

Mr. *Robert Steuart* admitted, that part of the constituency of the borough of Hertford had been guilty of corrupt practices, and he was very willing that the guilty should be punished; but he could not understand upon what principle of justice those against whom no ground of complaint existed should likewise be punished. He agreed with the right hon. Baronet, that the first clause of the Bill would fulfil all the ends of justice, and that all the other parts of it ought to be struck out. He contended, that the addition of several agricultural parishes to the borough of Hertford would create a small county entirely under the control of the landed interest. He believed, that he did not exaggerate when he stated, that the circumference of the borough as proposed in the Bill, would not be less than forty miles. As to the argument, that 500 was too small a constituency for the borough of Hertford, he would only appeal to the fact that several boroughs had at present constituencies of less than three hundred. On referring to the Return, he found that in Tavistock, there were 247 voters; in Chippenham, 258; in Richmond, 278; in Wycombe, 298; and in Totnes, 317. He contended that neither Ware nor Hoddesdon ought to be considered as towns. He admitted that the manufacture of malt was carried on to some extent at them, but that was altogether unconnected with agriculture.

Mr. *Bernal* reminded the Committee, that the argument he urged in favour of the Bill was, that some of all classes of voters were mixed up in the corrupt proceedings at Hertford; that even some of the 10*l.* householders had accepted bribes, and therefore he had thought that the best means of purifying the atmosphere of the place was by pouring in a purer set of voters. He thought, that 500 was too small a number of voters considering what had taken place; he therefore was anxious to increase the constituency to 1,000. He had stated the grounds to the Committee that had induced him to bring the subject forward, and if his arguments did not induce the Committee to support him, he should rest satisfied with having done his duty.

Mr. *Ward* would put it to the Committee, whether there was not sufficient from the nature of the evidence to show that corruption prevailed to a great extent among the constituency of Hertford, and to call for the disfranchisement of the old voters. There was also sufficient to show, that if the whole of the voters ought not to be disfranchised, still that, for the purpose of putting an effectual stop to bribery, an infusion of new voters must take place. In addition to the reasons already stated, he found, in the evidence taken before the Committee, several other things that ought not to be forgotten in legislating on that subject. They ought not to forget, the system of intimidation that had prevailed in the town, not that the town had been placed under gangs of persons, whom he knew not how to describe, and who had been ostensibly hired as preservers of the peace. The right hon. Baronet had alluded to the increase that was likely to take place in the number of the 10*l.* householders; but the greater portion of that class of persons in the town of Hertford held their houses on leases of fourteen days; that was, that they were obliged to quit after fourteen days' notice from the landlord. He had merely cited facts which had appeared in evidence, and he called upon hon. Members to take them into consideration before voting. It had been said, that the proposed addition to the borough would place Hertford under the influence of the agricultural interest; but he contended that it was at present as much an agricultural borough as it possibly could be, and that the proposed addition would not affect it in that respect. It had been said, that the new borough would be equal to a small county; now, he believed, at the utmost, it would not be twenty-seven miles in circumference. It was, however, the duty of the House to see that a respectable constituency was created, without looking to the extent of the circle. He was acquainted with the district, and he would venture to assert, that a more respectable constituency could not be formed than would be created under that Bill. He was sure that they would be found to be a most independent body, and would be influenced by no person, however respectable he might be. He did not believe, that the independence of the borough would be secured by restricting the provisions of the Bill to the first clause, and therefore he should vote against the Amendment of the right hon. Baronet, the member for Tamworth.

Sir *Henry Hardinge* said, that there were some parts of the statement made by the hon. Gentleman who had just set down which were not borne out by the facts of the case. The hon. Gentleman spoke evidently under a misapprehension with respect to the system of leases, which empowered no landlord to eject his tenant by means of a fourteen days' notice. He represented that system as having been extensively acted upon in this borough; but how stood the fact? Why, that in the whole borough only two 10*l.* houses were so occupied. One of these houses was tenanted by a widow woman, one of whose sons voted for Lord Ingestre and Mr. Duncombe, and the other for Lord Ingestre and Lord Mahon. So far, then, as these leases were concerned, the hon. Gentleman was clearly incorrect. He fully concurred, that they had no right whatever to indulge in speculative legislation. If such a principle were to be acted upon, no constituency would be safe. He thought it would be a monstrous rule to establish, that if only half-a-dozen electors were proved to have been bribed, the borough should be disfranchised; and all he could say was, that if they laid down such a principle, there was not a borough in the kingdom which would escape. He certainly disapproved of this part of the plan proposed to be adopted, and he maintained, that the practice hitherto had been to punish the party "treating," and not the persons treated. He opposed the Bill, not because some of the electors had been guilty of corruption, but on the ground that it was unjust to punish their delinquencies by an *ex-post-facto* law. He must also object to the boundaries of this borough being extended beyond the limits prescribed by the Reform Act. It would be unjust to apply a rule to Hertford, that was not to be adopted in the case of every other borough; and, therefore, unless the boundaries of all other boroughs were to be enlarged, as well as those of Hertford, it would be most unfair to disturb the present constituency of that borough. The number of 10*l.* houses in Hertford prior to the passing of the Reform Bill, was 414. The number now exceeded 500, so that instead of diminishing the constituency, as was the case in other places, the Reform Bill rather gave an accession of voters to this borough. Now, he begged to call the attention of the Committee to the cases of Tavistock and Richmond, the constituencies of both of which places had been diminished by the Reform Bill. The Boundary Commissioners reported, that Tavistock contained 380 10*l.* houses; but when the Registration took place, it was found that the Reform Bill had reduced that number to 247; and yet the limits of Tavistock were not to be disturbed, although the boundaries of Hertford, with, as he had shown, an increase of nearly 600 10*l.* houses, were to be enlarged to the extent of nearly one-twelfth of the whole county. The limits now proposed to be assigned to this borough would form a circuit of thirty-three miles round the town of Hertford; but was this either proper or convenient? He thought it was not; and for that reason he was determined to give this part of the Bill every possible opposition. The Committee must recollect the grounds upon which two Members were given to the town of Blackburn under the Reform Bill. The extent of the constituency of that borough was said to entitle it to a double representation. It was returned as containing 626 houses of the annual value of 10*l.*; but it appeared that the diminution of the registry had been such that Hertford, when left in the condition to which it was raised by the Reform Bill, would have a greater constituency than Blackburn. The borough of Kendal had been returned as containing 682 such tenements as would confer the franchise; but, by the registry, it appeared there were only 357 10*l.* houses. All these boroughs, however, remained unassailed, while it was contemplated to increase the borough of Hertford to a circuit of at least thirty-five miles, and thus make it constituted of one-twelfth part of the whole county. He contended, that Tavistock, Kendal, and Blackburn, ought to be interfered with, before the House could with justice interfere with or touch the constituency of the borough of Hertford. He must also add, that the Whig borough of Newry, in which a much worse case than the present had been made out, remained unmolested; and feeling it would be a gross injustice to deal with Hertford in the manner proposed, he should oppose the clause now under the consideration of the Committee.

Mr. *O'Reilly* said, the borough of Newry had never returned a Whig Member. He contended, that the House was not only sitting judicially, but also in its legislative character, and was justified in legislating for the purity and independence of a borough against which bribery and corruption had been proved and established. As he could not conceive the House would recognize either bribery, or the principle of coercion practised by landlords upon their tenantry to enforce their votes; and, as he believed the Bill before the House would have the effect of protecting tenants against the threats of their landlords, and of saving the electors from the temptation of money bribes, he held, that the House might safely adopt the Bill brought in by the hon. and learned Chairman of the Select Committee by which the case had been investigated. He believed the proposed measure to be calculated to secure the independence of the borough of Hertford, and it should have his support.

Mr. *O'Connell* said, that the right hon. and gallant Officer (Sir H. Hardinge) had alluded to the case of the Whig borough of Newry, where, though general evidence of bribery was as distinctly given as possible before the Committee, no further step had been deemed necessary. But surely the right hon. and gallant Officer did not expect, that this House would do justice to Ireland. In the Carrickfergus case, he would say, that it would become as excellent a close borough for a Whig as could be desired; but most certainly, though Newry had been proved most corrupt in its method of supporting a candidate, in its inquiries as to where the most money was to be got, and in the formation of schemes of bribery, the Select Committee had been content to recommend the prosecution of certain persons who could not easily be come at. He was of opinion, that the rule ought to be general, and that when bribery had been proved against boroughs, the House ought to take care, that such boroughs should be blotted out from the list of those returning Members to serve in Parliament. Such a course would, in his judgment, be forwarding the real principles of Reform. He should vote for the clause as it stood, because it was some satisfaction, that the corruption of Hertford should be punished, if punishment the proposed measure could be called.

Mr. *Walter* said, that as a discrepancy in the different decisions to which the two Committees had come, in the cases of Hertford and Newry, had been mentioned, he thought it right to remark, that some uniform practice ought to be adopted in Committees with respect to the proof of agency. Every Gentleman who had served on a Committee, knew how the lawyers always endeavoured to mystify that question. The Hertford Committee came, as he thought, to a right decision upon that point in an early stage of their proceedings; but he should not soon forget the dexterity with which it was repeatedly attempted to keep them out of the whole merits, or rather demerits, of the question. It was probably owing to this cause, that the results had been different in the two Committees.

The Committee divided on the Amendment: Ayes 43; Noes 78—Majority 35.

Clause agreed to, as were the remaining clauses, and the House resumed.

List of the AYES.

Arbuthnot, Hn. Gen.
Bankes, W. J.
Bentinck, Lord G.
Bethell, R.
Blackstone, W. S.
Campbell, Sir H. P.
Castlereagh, Visct.
Corry, Hon. H. L.
Ferguson, Capt.
Finch, G.
Forrester, Hn. G. C.
Forster, C. S.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gordon, Hon. Capt.
Goulburn, Rt. Hn. H.
Grimston, Viscount
Guest, J. J.
Halcombe, J.
Halford, H.
Hardinge, Rt. Hon. Sir H.
Hawkes, T.
Henniker, Lord
Herbert, Hon. S.
Herries, Right Hon. J. C.
Humphery, J.
Irton, S.
Marryat, J.
Meynell, Capt.
Moreton, Hon. H.
Nicholl, J.
Norreys, Lord
Peel, Rt. Hon. Sir R.
Sandon, Viscount
Somerset, Lord G.
Stewart, E.
Stormont, Viscount
Tennyson, Rt. Hon. Charles
Trevor, Hon. G. R.
Wood, Col.
Wynn, Right Hon. C. W. W.
Young, J.

TELLER.

Ross, C.

PAIRED OFF.

Bruce, Lord Ernest

LIVERPOOL FREEMEN.] Lord *Sandon*, on the Speaker's calling Mr. Benett's name, begged to present four petitions against the Bill of which the hon. Member was about to move the third reading.—The first was from 100 of the freemen of Liverpool, who did not vote in the election of 1830.

The second petition was from the sons of freemen who possessed the inchoate right of franchise, and who prayed to be exempted from the operation of the Bill, as they had taken no part whatever in the transactions which gave rise to it.

The third petition was from the apprentices of Liverpool, who would in future possess the rights enjoyed by burgesses of that corporation, and who, not having arrived at their freedom by service, could not have been guilty of bribery.

The fourth petition was signed by 7,000 of the inhabitants of Liverpool, of which number 1,800 or 2,000, were rich merchants, bankers, and brokers, who prayed that the Bill might not pass into a law.

The petitions were ordered to lie on the Table.

Mr. *Benett* rose to move, that the Bill be read a third time. He declined making any formal speech upon a subject which frequent discussion had rendered wearisome to the House. He, however, could not refrain from expressing his wonder to see the noble Lord (Lord Sandon) trying at the eleventh hour to avert a doom so justly merited, as that about to be passed upon the borough of Liverpool, by presenting petitions of which he had no previous notice, and the existence of which was wholly unknown to him. He, however, should not be moved from his purpose; and, indeed, he really thought he was earning the title of a friend and a benefactor to the freemen of Liverpool in presuming to press the present measure to its final stage in that House; as by so doing he for ever took away from them the hitherto irresistible temptations to which they had been exposed, and to which they had for several successive elections fallen victims. He begged to move, that the Bill be read a third time.

Lord *Sandon* maintained, that if the freemen whose disfranchisement was now in agitation, had had the worldly wisdom to pursue the course they had adopted when General Gascoyne was defeated—if they had voted for the candidate who opposed him (Lord Sandon), the House would never have heard of the measure. The hon. member for Benett,—he begged pardon, he should have said for Wiltshire—had certainly treated these poor men in a most parental manner. A father could not have acted more kindly in removing his children out of the way of temptation. The hon. Member might say, that instead of the obloquy which he had met with in the prosecution of his duty, he ought to have had a golden statue erected to his memory by those over whose consciences he had proved so tender a guardian. He would relieve them from the embarrassment under which they frequently laboured, by lightening them of any burthen of public privilege or trust.

"Who steals my purse, steals trash."

This was an excellent apology for the highwayman, who eased the traveller of any trouble he might find in taking care of such trifles as loose cash, and doubtless he thought, that the traveller ought to be much obliged to him for leaving less responsibility on his shoulders. We had had more than one Motion for relief lately. In that very House, an hon. Member had been considerate enough to propose a Bill to relieve the Archbishops and Bishops from any further exercise of their legislative functions. But he had yet to learn, that the rights, the privileges, and the responsibilities of Englishmen were to be taken from them without good cause. For himself, he could say, that neither by himself, nor his friends, had he any connexion with corruption. The only expense which had been entailed upon him was 80*l.* for the erecting of hustings, and his friends who had supported him had no charges of corruption fastened on them. He did feel it rather hard, that he, who was standing there as an innocent man, perhaps more pure than nine-tenths of those who were sitting as his judges, should be looked upon as the champion of corruption. Let laws, however strict, be framed to prevent bribery, or treating, which was as bad as bribery, they should have his hearty assent; but let the punishment of delinquency proceed from the vengeance of the law, and not from the vengeance of a party. Let the offending parties come before a regular tribunal; let them know what they came there for; and let them know who were to be their Judges. He contended, that at the moment when they were in the act of passing a Bill declaring the insufficiency of the tribunal by which the case of the Liverpool freemen was tried, it was great severity. He moved, that the Bill be read a third time that day six months.

Sir *H. Willoughby* seconded the Amendment. If it was wished to give a general warning, they ought to take care, that they punished the guilty, and that the innocent did not suffer. The course now about to be adopted, would do neither the one thing nor the other; or, rather, it would do the very reverse of both; for it would punish the innocent, and allow the guilty to escape. The hon. Member went into an examination of the Reports of the various Committees that had inquired into the Liverpool Elections, and contended, that they did not establish the fact of general bribery and corruption in that town. The preamble of the Bill, however, stated the bribery and corruption to be notorious; therefore, on the very face of the Bill there was an untruth. He should give his most cordial support to the Amendment of his right hon. friend.

Lord *George Bentinck:* I rise to oppose the third reading of this Bill—I do so, because it is a Bill which shelters bribery and corruption in the rich, whilst it vindictively persecutes that offence in the poorer freemen. I oppose it, because it is a Bill which makes poverty a crime, and wealth and riches a legal passport for the commission of crime. All the evidence given before the Committee appointed to inquire into this subject, tends to show that bribery and corruption are greatest at Liverpool amongst the freemen of condition and substance; and yet every one of these are to be spared by the Bill; though my hon. friend pretends it is a Bill to disfranchise equally all who have been guilty of bribery. To pass this Bill, therefore, will be an act of the most monstrous injustice, and of the greatest tyranny.

Perhaps the House will indulge me whilst I make a short statement of the effects the Bill will produce; it has been proved before the Committee, that the freemen and apprentices who will be disfranchised by this Bill, will nominally amount to 5,428, but in reality the number will only be 4,627; because 801 of those nominally disfranchised by the Bill, will still retain their franchise as 10*l.* householders. There are proved to have been 2,661 individuals guilty of bribery in the disgraceful election of 1830. But how many of these does this Bill intend, *bona fide*, to disfranchise? Only 1,332! Of those bribed in 1830, as many as 799 are no longer upon the register, being either dead, or else out-voters already disfranchised by the Reform Bill. Of the remainder, 550 will continue to vote as part of those 801 10*l.* householders whom it is the intention of my hon. friend to save by this Bill, so that no less than 550 guilty voters of wealth and substance will be allowed to escape under its protection. I say then, advisedly, that this Bill is nothing less than a measure of rank tyranny; and that in its provisions there is an inequality of justice that is scarcely to be borne. If we pass the Bill in its present shape, I do not say it will not be obeyed; no doubt it will be obeyed, because we are omnipotent; but it will not be obeyed with that cordiality and readiness with which the Acts of Parliament of former times were wont to be obeyed, and especially the Acts of the House of Commons. It will be obeyed with sullenness and discontent; it will bring the Acts of this House into disrepute, and cause us to be looked upon not with respect and affection, as heretofore, but with hatred and contempt; and, I fear, Sir, that the people of England, those of them at least who are affected by this Bill, or who become acquainted with its contents, will look forward with anxiety and longing hope for—the hour of our final dismissal. Sir, above all things, it must be borne in mind, that the persons whom we have chosen and selected to screen, are those who are represented in the evidence 'to 'have got the best prices for their votes, 'because they had the wit to see that 'when the contending parties got into 'difficulties, those who held back would 'make the best terms;' and these persons were those high in station and respectability in the borough of Liverpool. And these are the persons whose rights my hon. friend is now so studious to preserve! The Bill does not go far enough when it deals with the guilty rich, and on this ground, I shall oppose it. I shall oppose it also, because, when, on the other hand, it deals with freemen of low degree and of humble life, it is entirely regardless how many innocent persons it sacrifices; I have shown that out of 801 freemen who will be sheltered as 10*l.* householders, 550 are among those proved to be guilty. But when my hon. friend proposes to deal with persons in a humble station of life, a very different course is pursued. The whole number of persons the Bill goes to disfranchise is no less than 4,627; yet of these it is not pretended that more than 1,332 were guilty of any bribery or corruption whatever; so that 3,295 uncorrupted freemen of low degree are innocently to suffer! When, therefore, my hon. friend is dealing with the interests of the poor, he thinks nothing of disfranchising five innocent freemen, to catch two that are guilty; but when he comes to deal with the Merchants, the Gentlemen, and the Magistrates of Liverpool; oh, Sir, it is a very different thing. Two guilty rich men must then be allowed to escape, lest one innocent man of wealth should be punished. Is there common sense, I ask, Sir, wisdom, justice, or sound policy in such a measure as this; it would really seem as if my hon. friend had gone back to the bad times in the histories of the Grand Turks and Emperors of Morocco; to seek for a pattern by which to legislate for the people of England. It has been said that, in former times (now, even they are too civilized for such legislation), when the Ambassador of a Christian Power remonstrated with the Grand Turk or with the Emperor of Morocco, on account of some act of piracy in which the subjects of his sovereign master had been murdered, the Grand Turk was used to say, this is certainly a gross outrage; it must be immediately punished; redress must be given, and amends made to the injured sovereign of your Excellency. Pray how many of my subjects have been guilty of this great enormity? Perhaps the foreign Ambassador would answer, the murderers were twenty. The Grand Turk, on hearing this, would forthwith order twenty of his subjects to be instantly sacrificed on the Altar of Justice; but like my hon. friend, the Grand Turk never thought it of any importance at all to inquire whether or no the sufferers were the guilty parties; his Satraps and Bashaws were sent for, guilty or innocent, to catch the twenty first Mahometans they could lay hands on, and these were immediately put to death by the bow-string. So it is with my hon. friend; he plays the Grand Turk in this Assembly; and finding that 2,661 individuals were guilty of gross bribery and corruption in 1830, he immediately decrees that at least 2,661 victims must be sacrificed. Many of the actual culprits are long since dead, and many of them have gone—God knows where,—and are no longer on the register of freemen; but that is of no consequence to my hon. friend. To him it is a matter of perfect indifference, whether his victims are innocent or guilty; perhaps he prefers their being innocent, but, at all events, 2,661 victims must be sacrificed! And, accordingly, my hon. friend, fully to secure this desirable end, brings in a Bill to disfranchise 4,627 persons; the whole of whom, with the exception of 1,332, are perfectly innocent! Surely, Sir, this is a Bill of which it may be truly said, *Dat veniam corvis, vexat censurâ columbas.* It is, Sir, a Bill of the most monstrous tyranny, and of the grossest injustice; and for this reason I shall vote against its third reading.

Mr. *Mark Philips* said, that if the noble Lord would pursue his inquiries in order to bring conviction home to those who were equally guilty with the humble freeman, he should have his cordial support.

Mr. *Labouchere* was of opinion, that the vengeance of the House ought to fall on the seducers, and not on the seduced. He would take that opportunity of stating, that the discussions which had taken place with respect to this Bill had left upon his mind the impression, that it was absolutely necessary that some general principle should be established for the guidance of the House in cases of a similar nature. Nothing, in his opinion, could be more unjust than the hap-hazard and random manner in which the House came to conclusions with reference to such subjects. The hon. Member concluded with stating, that he would cordially give a vote against the third reading of the Bill.

Mr. *Ewart Gladstone* would trouble the House but for a very few minutes. Allusion had been made in the course of the evening to the subscription of 10,000*l.* by a particular individual towards defraying the expenses of the election. That sum of money was subscribed after the election had terminated, when the candidate had been involved in very considerable difficulties by the expenses of the election. The gentleman who had subscribed that sum of money (he had now no hesitation in mentioning his name), was Mr. Bolton—and he (Mr. Ewart Gladstone), could assure this House it was subscribed merely through a feeling of compassion. [*Laughter.*] He repeated, that it was subscribed through a feeling of compassion, and not with any view of forwarding the cause of any candidate by bribery. He begged to impress upon the House, that there was no previous case of bribery proved to have occurred in Liverpool—there was no case of bribery during the period that Mr. Canning and Mr. Huskisson represented that town. He would also beg of the House to recollect, that in the election upon which the present Bill was grounded, the two candidates were men of the same, and not of opposite, principles. Now, he would ask the House, in what did the great heinousness of bribery consist? Was it not in the bartering of a man's conscience? Was it not in voting against one's conviction for pecuniary emolument? Men in the humbler walks of life could not be supposed to have very correct abstract opinions upon the nature of bribery. The utmost, perhaps, that could be reasonably expected from them would be, that they should consistently adhere to one political creed. He did not mean to defend the corruption that had taken place; but might not the argument he had just adduced be taken as some palliation in the case of the poorer freemen? There was another argument he would wish to impress upon the House. The evil which it was intended to cure—even if the proposed remedy were admitted to be a good one—was already cured. Where, then, was the use in introducing this measure? Indeed it was confessed that the Bill was aimed at the freemen all over England as much as at those of Liverpool.

Mr. *Charles Wood* had never seen—indeed he had never conceived—anything so gross and flagrant as the corruption in Liverpool. It was a regularly organized system by both parties; and that had not been even attempted to be denied. With respect to the hon. Member's explanation respecting the subscription of 10,000*l*., it mattered not whether that were subscribed before the election or after the expenses had been incurred. The freemen, it had been proved, were extensively bribed, and it was his wish to prevent a repetition of such scenes as it had been admitted took place.

Mr. *Baines* said, it was a notorious fact, that the freemen of Liverpool looked upon the return of an election not as an occasion for the exercise of privileges conferred upon them for important political purposes, but as a *saturnalia*, in which they were to indulge in the most extravagant licentiousness.

Dr. *Nicholl* said, that the House should first decide upon the Amendment, the object of which was to make some distinction between the innocent and the guilty; and if that were negatived, they should divide upon the original question.

The Amendment was lost without a division. The Original Question was carried.

Upon the Question, that the Bill do pass,

Mr. *Bethell* rose, to move, that from the clause commencing, "That no freeman, now, or hereafter," &c., and the words "or hereafter," be omitted. Nothing but a sense of duty could have actuated him in adopting that course. His object was to prevent all persons now or hereafter freemen of Liverpool, from voting for Members of Parliament.

Mr. *James* seconded this Motion. A good deal of the time of the House had been consumed, and, in his judgment, very needlessly, in proving what nobody denied, that very great corruption had been practised at Liverpool. The only question the House had to consider was, what remedy they should apply to it. For his own part, he recommended an extension of the franchise, and the introduction of Vote by Ballot, as the only effectual means of remedying the evil, the existence of which no one denied.

Dr. *Nicholl* contended, that the Legislature could not destroy the rights of a particular class of persons; it was unconstitutional to visit with punishment a portion of the community for the offences of the few. Looking to the judicial capacity which was vested in that House, they were bound to receive their information only from the evidence before them; but they were going out of the evidence.

Mr. *Baines* said, that the argument which had been raised as to the injustice of punishing such cases as this, inasmuch as the children of the delinquents (being freemen) must suffer, was one which was not tenable. Admit this principle, and they must go back to the case of the children of the freemen of Grampound. This Bill did not go to affect the rich or poor unequally—it was intended to treat all alike.

Sir *Robert Peel* said, he did not feel the force of the argument of the hon. Gentleman. If an opportunity was afforded to the House, he doubted not it would make an example of those persons against whom gross bribery and corruption were proved. He thought, however, that as regarded the present measure, it was one which ought to be regulated by principles of justice, and he did not despair of the House doing justice. But if the Bill were pregnant with injustice, then he would resist it, rather than consent to its standing a disgrace to the House of Commons. The hon. Gentleman who had last spoken, had declared, that this Bill had nothing whatever to do with the difference of station as between the rich and poor. It was then contended, that it punished alike all the delinquents. Now, let the truth be stated. There were freemen of Liverpool, some of whom were rich, whilst others were poor. The poor voter had temptations held out to him which it was hardly possible or natural to suppose he could withstand or resist. The different grades of bribery varied from 5*l*. to 40*l*. in regard to the price of a vote. The poor man came early into the field to tender his vote, and he received 5*l.*; while the rich freeman kept back his vote to the particular moment, and received the higher price for it—he received 40*l.*! So far as moral guilt went, could they deny the fact, that the rich man was infinitely the more culpable party? And did this Bill go to visit the rich man with severer punishment than that which it inflicted upon the poor man? And then they allowed the rich man to continue to vote. Upon what principle was it that 550 freemen thus disfranchised were to be allowed to vote, and were qualified as 10*l.* householders? Why nothing was more dangerous than to teach the lower classes (he meant only those persons who were lower in a pecuniary point of view) to undervalue the right of exercising their franchise. This was a trust which they held—not a high privilege only, but a trust which they held for the benefit at large. If the Reform Bill gave a privilege to the 10*l.* householder who should honestly have exercised it, he did not see, certainly, that the House acting in their judicial capacity, should deprive them of it. Could there be any doubt of the soundness of this principle? But why should such a measure be addressed to one place particularly? The hon. Gentleman who had last addressed the House had alluded to the case of the borough of Grampound; but that case had nothing to do with the present argument; for, in that instance, the franchise was removed altogether from the borough, whereas in Liverpool they left the right of 10*l.* householders uninjured and untouched. Now, Grampound, if he recollected rightly, was a scot-and-lot borough —there were no inchoate rights, and the question in the present case was, whether those persons who had honestly exercised their privilege should continue to vote as heretofore.

Lord *John Russell* addressed the House under a feeling of considerable difficulty. He did not think it a sufficient objection to the Bill, that the Reform Bill had given a privilege to the freemen, and that, therefore, they ought not to disfranchise the freemen of Liverpool as a class. Let the House recollect that the first Bill proposed to disfranchise the freemen on the ground of gross corruption. It was objected to that measure, that all the poor men who had acted honestly would be disfranchised; but why not proceed upon whatever cases of corruption should be proved to disfranchise those guilty freemen, in order to clear the country of these corrupt bodies of men? With reference to the election of 1830, and those subsequent to that period, it had been admitted, that corruption had not occurred to any extent, because the parties were restrained under a threat of disfranchisement. The Bill was imperfect, perhaps; and if a measure were introduced for disfranchising the delinquents by name, it should have his support.

Lord *Sandon* expressed his astonishment at the tone of the argument of the noble Lord the Paymaster of the Forces. He had seemed to contend, that the innocent were innocent, and acted honestly, only because they were afraid of punishment. Why, such a doctrine as this might, perhaps, be such as even Judge Jeffries would scarcely hold. At any rate, that Judge could only have said to a man brought to the bar, that he knew him to be innocent, but that he was only innocent because he was afraid of being punished.

Mr. *Spring Rice* trusted, there was no man in that House who, in cases where bribery and corruption were proved, would not be ready to disfranchise every man, rich or poor, whether freeman or householder. The object of the Amendment was quite a different matter, and had no relation to the circumstances of the case. He should like to know, whether by adopting the Amendment, the House gained one step in the matter. The suggestion had been made, that a Bill should be brought in to disfranchise the 2,600 names who could be proved guilty of corruption; and he for one would support such a Bill. He believed, indeed, that he might say, there were no more zealous promoters of any measure for punishing the guilty in such cases than those hon. Gentlemen who supported the measure before the House. Let them take the two measures separately; but let them not forfeit that which was under discussion. Had this Bill been brought forward in 1830, he had no doubt that the right hon. Gentleman would have admitted, that the borough of Liverpool ought to be disfranchised. They heard much of the lapse of time which had taken place since the year 1830, and much stress had been laid on the conduct of the freemen in withstanding bribes since that period. But how stood the facts? The freemen of Liverpool were in a state of intimidation—they knew that a penalty hung over them for their conduct in 1830—they were sure that they were watched, and their conduct suspected. As well might hon. Members talk of the purity and chastity of a certain class of females, who were shut up within four walls, and debarred of all intercourse with the other sex, as talk of the honesty of the Liverpool electors, under the circumstances in which they were placed. They had been told of the delay which had taken place in these proceedings; but by whom was that delay occasioned? Was his hon. friend (the member for Wiltshire) in any way accountable for that delay? Certainly not. He had used every means in his power to bring the measure forward earlier, and if he failed, the fault rested not with him. There was one difficulty which he felt, and which had much weight with him; and that was, how they were to deal with any existing right, either full or inchoate, which had not been proved to be corrupt. If they had had to discuss this question in 1830, there could be no doubt of the total disfranchisement upon the ground of the 2,600 corrupt votes; and he would say now, upon the same principle by which he should have been actuated then, that nothing should induce him under any circumstances to consent to perpetuate the freedom of those Liverpool voters who had proved themselves to be tainted with corruption. He found, that he had merely a choice of evils, and he would choose the lesser, even at the expense of a little justice, in order to establish a general and permanent good. In taking this course, he felt that he was treating the franchise as a question of trust, and not as one of personal privilege. Under all the circumstances of the case, he did not see how the Amendment could be supported, and he should therefore oppose it, and give his support to the original Bill.

Mr. *Goulburn* said, he should support the Amendment, because he considered it to be an act of the greatest injustice to punish individuals who had not been proved guilty of any crime.

Dr. *Nicholl* suggested an Amendment, which he thought would meet the view of all parties, having for its object to save from disfranchisement such freemen as had been admitted since the 1st of December, 1830, and such persons as were now entitled to their freedom, or possessed undoubted rights thereto.

Mr. *Benett* said, that three years ago, when he first brought forward the present Bill, he had the support of many hon. Gentlemen on the other side of the House who were now opposed to him. At that period he withdrew the Bill at the request of the right hon. Baronet opposite, who pledged himself to support it, if he (Mr. Benett) introduced it in the ensuing Session. Its progress had, however, since that time, been delayed by the discussion of the Reform Bill. The right hon. Baronet complained, that this Bill would punish innocent parties by depriving persons entitled by descent to their freedom of the elective franchise. Did not the right hon. Baronet recollect that similar injustice was inflicted by the disfranchisement of the Irish 40*s.* freeholders—a measure which the right hon. Baronet himself proposed and advocated.

The House divided on the Amendment: Ayes 63; Noes 120—Majority 57.

On the question that the Bill do pass, the House again divided: Ayes 109; Noes 52—Majority 57.

The Bill passed.

List of the AYES *on Mr. Bethell's Amendment.*

Arbuthnot, Hon. H.
Bankes, W. J.
Baring, H. B.
Baring, F. T.
Bentinck, Lord G.
Blackstone, W. S.
Briggs, R.
Bruce, Lord E.
Calcraft, J.
Campbell, Sir H. P.
Castlereagh, Viscount
Chetwynd, Captain
Conolly, Colonel
Corry, Hon. H. L.
Egerton, W. T.
Estcourt, T. G. B.
Finch, G.
Forester, Hon. C. W.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gladstone, T.
Gordon, Hn. Captain
Goulburn, H.
Grimstone, Viscount
Halcombe, J.
Halford, H.
Hanmer, Sir J.
Hardinge, Sir H.
Hawkes, T.
Henniker, Lord
Herbert, Hon. S.
Herries, J. C.
Hodgson, J.
Hope, H. T.
Howard, P. H.
Hughes, H.
Inglis, Sir R.
Irton, S.
James, W.
Labouchere, H.
Lincoln, Earl of
Lyall, G.
Lygon, Hon. H. B.
Marryatt, J.
Meynell, Captain
Nicholl, J.
Norreys, Lord
Patten, J.
Peel, Rt. Hon. Sir R.
Pigot, R.
Reid, Sir J. R.
Ross, C.
Shaw, F.
Somerset, Lord G.
Stanley, E.
Stormont, Viscount
Trevor, Hon. G. R.
Willoughby, Sir H.
Wood, Colonel T.
Wynn, Rt. Hn. C. W.
Young, J.

TELLERS.

Sandon, Lord
Bethell, R.

HOUSE OF LORDS,

Thursday, *March* 20, 1834.

Minutes.] Bills. Read a second time; Mutiny; Juries (Ireland); Equitable Apportionments.

Petitions presented. By Lord Ellenborough, from Bolsover and Scardiffe, for the Protection of the Established Church.—By Lord King, from Croydon, for the separation between Church and State.—By the Earl of Durham and Lord Dacre, from a Number of Places and Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of Rosebery, from Leih, for a Copy of the Parliamentary Papers to be sent to each Borough in Scotland.—By the Duke of Gordon, from Huntingdon, for Relief to the Agricultural Interest.

Common-Law Report.] The *Lord Chancellor* said, that he had it in command from his Majesty to present to their Lordships the sixth Report of the Common-Law Commissioners. The Report was one of great merit, and the investigation leading to it, their Lordships were aware, had arisen out of instructions which had originated in the other House of Parliament. The inquiry related to the constitution of the four Inns of Court, so far as their privileges were connected with persons entering with a view to become students of law, and of being called to the Bar. This had been inquired into by the learned Commissioners, and the Report contained their opinions thereupon. The Report was accompanied by the evidence upon which the suggestions made were founded. He had the honour of being a Bencher of one of the Inns, and he very well knew, that the Society to which he belonged wished for the fullest inquiry to be made into every thing which related to their constitution, to their property, and to their proceedings, in the exercise of their rights. He would also briefly call their Lordships' attention to the Commissioners, who had performed their task to the advantage of the country and very much to their own credit. Those learned persons had now for nearly two years, performed the duties gratuitously. For his own part, he had always considered it very wrong, that those learned Gentlemen should be required to make such a sacrifice, for they had their own professional business to attend to, and held no public situation by which they were remunerated for such a loss of time. He had always considered it an act of great generosity, very creditable for them; but he doubted whether the public ought to have accepted of their services on such terms. They had his best thanks, and, he doubted not, that of their Lordships, for the exertions they had made, and for the very able manner in which they had completed their labours; nevertheless he could not help thinking it unworthy of a great country like this, to accept the services of gentlemen on such terms; for no gentleman in his private capacity would permit another to execute for him work for which no remuneration was given.

The Report was laid upon the Table, and ordered to be printed.

HOUSE OF COMMONS,

Thursday, *March* 20, 1834.

Minutes.] Petitions presented. By Mr. A. Johnstone, Mr. J. Maxwell, and General Sharpe, from several Places,—against the present System of Church Patronage in Scotland.—By Mr. Walter, from Maidenhead, for the Repeal of the Assessed Taxes.—By Mr. Frankland Lewis, Mr. Roper, and Mr. Tyrell, from several Places,—for Relief to the Agricultural Interest.—By Mr. Tower, from Hadleigh, against Church Rates.—By Viscount Sandon, and Messrs. Tower, Tyrrell, Poulett Scrope, Walter, Spring Rice, Wolryche Whitmore, Wilks, Watson, M. A. Taylor, Shawe, Vernon Smith, Pease, and Frankland Lewis, from a great Number of Places and Dissenting Congregations, —for Relief to the Dissenters.—By Mr. Vernon Smith,, from a Parish of Northampton, for Rating all extra parochial Lands towards repairing the Roads.—By Mr. Edward Ruthven, from three Places, against Tithes (Ireland).—By Mr. Warburton, from the London Medical Society, for an Inquiry into the State of the Medical Profession.—By Mr. Palmer, from Sunning Hill, for Renewing the Labour-Rate Act.—By Sir Henry Parnell, from the Political Union of Dundee, for the Repeal of the Corn Laws.—By Mr. Locke, from Devizes, for Relief to the Agricultural Interest.—By Mr. Byng, from Staines and Southampton, against Employing Children in cleansing Chimneys.

Liverpool Corn-laws Petition—Adjourned Debate.] Mr. *Finch* rose to resume the debate on this Petition. He would not do so were he not convinced, that neither the agriculturists, of whom he was one, nor the manufacturers, were satisfied with the debate which had taken place on the Motion of the hon. member for Middlesex. The more he thought upon the subject the more he was convinced of the utter impracticability of having a free-trade in corn. Some of the statements of the right hon. the Vice President of the Board of Trade, on a former occasion, appeared to him to be vague and unfounded. The right hon. Gentleman inferred that the sufferings of the agriculturists arose from the continuance of the Corn-laws. Now, anybody conversant with the actual state of things, would know, that the only thing which had saved them from utter ruin was the protection afforded them by those very laws. A series of difficulties had occurred to the agriculturists which it was almost impossible to record. Let Gentlemen look back to the year 1815, when there was an extensive and most impolitic speculation in foreign corn. This was followed by the failure of the country banks. After that came a season of distress unparaleled in the memory of man. The crops were in the most flourishing state, and every thing promised a very happy return, when suddenly a wet season came on, and all the crops rotted in the ground. Then came on the change in the monetary system, although he admitted, that the agricultural interests did not suffer more from that change than the other classes of producers and of capitalists. After this, again, came an unusually dry season, which reduced the midland counties to such a state, that they presented the appearance rather of the deserts of Arabia than anything else; and the succession of evils left the agriculturists, as they were at present, in a state approaching to bankruptcy. This was the position in which the agricultural interests were at present. They looked during the present year to something like a revival in prices, in order to meet the disasters; and the time chosen for bringing about the great change which the petition referred to, was when the agricultural interests required some additional profits. He (Mr. Finch) denied, that the present Corn-laws were the cause of the distress. A more sophistical statement than that could not be made; and he regretted that the Vice President of the Board of Trade should have committed so great and error as to make such an assertion. He was aware that a portion of his Majesty's Ministers were the advocates, and strenuously contended for, fixed protecting duties upon corn; but in his opinion, such a measure would be utterly impracticable, and would be attended with the most injurious effects to the agricultural interests in seasons of scarcity. Another error in such a measure of fixed duties would be, that if the prices were always to be the same, they would be too high in seasons of abundance, and too low in seasons of scarcity. Nothing, from the nature of the seasons, must vary so much as the price of corn, and to attempt to regulate it would be found utterly impracticable. He approved of one thing in the conduct of the hon. member for Liverpool upon this question—that he had brought it before the House manfully and fairly. He had brought it in its full length, breadth, and width, and presented it as a subject of such magnitude that the House must be astonished at it. For his part he considered a system of free trade a chimera—if they could revive the golden age, they might have a free trade—if they could calculate upon permanent and uninterrupted peace, they might have it; but the moment a war broke out the system of a free trade would be at an end. They would be endeavouring to establish what would be in peace of no practical value, and when a war broke out must be attended with incalculable loss to the agricultural interest. The abolition of the Corn-laws would lead to a total revolution in their social, manufacturing, agricultural, commercial, and financial relations, and would, in all probability, destroy England's greatness. If they went into a system of free trade with the foreign grower, they should start with equal weights. They should take twenty-five pounds off the backs of the British agriculturist out of thirty, in order to place them on an equality with the foreign growers. It had been alleged, that this was a question between the British manufacturer and the British agriculturist; but he denied that such was the case. The manufacturer was much better able than the agriculturist to compete with foreign countries; but the British agriculturist must be beaten in the foreign market, from the great amount of expense and taxes which he was obliged to bear, in comparison with the foreign grower. On the hypothesis of reducing trade to a state of perfect freedom, an overwhelming loss would be caused to capital. Public credit would fall; and every print-shop in the city of London would have a caricature of the Chancellor of the Exchequer wot lost his budget. All trade should be rendered free, if any part of trade was made so; and let the House then consider the destitution that would follow to millions of farmers and manufacturers. A mass of misery would be presented; distress would not be confined to an insignificant or a small portion of the people, it would extend to all the inhabitants of the country. He was not speaking of a body of two or three hundred thousand persons—whose voice could be stifled, or claims refused.

No, he spoke of the agriculturists, who were 12,000,000 in number, and those who were their immediate dependents, who amounted to a population of 16,000,000. More than one-fourth of England was agricultural, the one-third of Scotland, the three-fourths of Ireland were likewise agricultural. Now, all that population would immediately raise a clamour for reduction of taxation, that could not be resisted; and let it be considered to what a crisis things would be brought. Yet such would be the inevitable result of a free trade. He saw a statement made in the *Westminster Review* the other day, a Review he did not praise either for its tone of politics, its classical elegance, its soundness of criticism, or its literary acquisitions; but the statement it contained was a true one. It supposed, that trade had become unrestricted, and it foretold the consequences. These were, that all the agriculturists would be converted into a body of Reformers, in the best meaning of the word, and would not be satisfied with anything short of a universal, unsparing reduction of taxation, which would not be compatible with the interests of the revenue, and, what was worse, would not be an available remedy to their own wants. He regretted his Majesty's Ministers were not in the House, that they might hear the different reasons assigned for not opening trade. He regretted, that the Vice-President of the Board of Trade was absent, as he might learn by the discussion of the subject what a host of opponents he would find, to the introduction of a measure that went to remove restrictions on trade. He believed, that if the markets were thrown open, the Irish linen trade would be destroyed, as would also the China trade, the silk trade, and the sugar trade. It was evident, that in consequence of the opening of the markets, the West-India interest in particular would be overwhelmed with the greatest distress, so as utterly to destroy all hopes of success of the great experiment of last Session, which was so deeply interesting to all friends of humanity; but this was not all; they would be obliged to purchase foreign sugar, and would encourage the slave trade, at the expense of our own colonies. He would further observe, that he had no objection to a free trade between England and Ireland, or England and Scotland, much more between different parts of this country, because they could establish a permanent system. But suppose the agricultural interest were to undergo the losses which must follow from the abolition of the Corn-laws—suppose the West-India interest annihilated, and encouragement given to foreign trade and foreign slavery—suppose the China trade, the silk trade, and other trades to be ruined—and suppose Ireland were to lose the chief benefit which she derived from the union with this country, viz., the English corn market, what class of persons in this country would be benefited? The manufacturers would be dependent upon foreign nations for their supply of food, as the price of corn would be equalized in consequence of the competition with foreign markets. He would only ask the manufacturers what advantage they were to derive from it? It might answer very well whilst they were at peace with all the great importing countries of Europe, but if the system of the hon. member for Liverpool were adopted, and a war should unfortunately break out between this country and the other States of Europe, it would raise the price of corn to such a rate as might lead to a Revolution. It was impossible that a change of this sort could take place—a change so deeply affecting the resources of the country, the interests of the great mass of the people, and in particular the interests of the West-India colonies—a change which would destroy the home market, without in any degree improving the condition of the manufacturer; it was impossible that a change in the Corn-laws of so violent a nature could ever be sanctioned by that House.

Sir *Henry Parnell* said, that having a petition to present upon this subject, he trusted the House would permit him to make a few observations upon the question. The hon. Member who last addressed the House, grounded his case upon the interest the farmer had in this question. But whenever such a position was stated in that House, he felt it to be his duty to contradict it in the most direct and positive manner. It was a gross delusion practised upon the farmer by the landlords, to say that the farmers were interested in the continuance of the present system of Corn-laws. Let the question be fully and fairly discussed, and let the farmer really understand his own interest, and he would undertake to say, that it would be impossible to maintain the doctrine that the two interests were identical, and it would be equally impossible for the monopoly of the corn longer to exist. The farmer had to obtain his livelihood by the application of his capital in the tillage of land; his interest depended upon the rate of return rendered by his capital, which again depended upon the price of the produce of the land with reference to the rent. If the price fell, or, if it were reduced by the repeal of the Corn-laws, the losses of the farmer must be prevented by a proportionate reduction in the rate of rent. The interest of the farmer depended upon the price of the produce of the land in relation to rent; and when the price of produce was only high because rent was high, the farmer must be satisfied that he had no interest in the monopoly of the Corn-laws, whatever the landowner had. The whole community, in fact, was taxed by the Corn-laws, for the purpose only of increasing the rent of the landlord. It had been stated, that 12,000,000 of individuals were interested in the question; but that was a most erroneous statement, inasmuch as only a few hundred thousand landlords were really benefited by the Corn-laws. If landlords were to receive, in consequence of the abolition of the Corn-laws, less than they now received by 500,000*l.* or 1,000,000*l.* a-year, that money would remain in the pockets of the consumer; the actual income of the country would not be interfered with, although landlords would have less; but the money being in the pockets of the consumer, it would pay as much tax, employ as much labour, and do as much, or even more, good than if it were in the pockets of the landlord. With regard to the evils apprehended from a repeal of the Corn-laws, he believed they had no foundation in fact. As to the excessive taxation of the landlord, he believed it was greatly exaggerated. The Malt-tax was said to be a tax on the land, but that he denied. He would ask who paid it? The landlord paid very little, for it fell upon the great mass of the community. As to the county and highway rates, though they were levied on the land, they were expended in its improvement, making roads, &c., from all of which the landlords benefited. With regard to the poor-rates, the landlords complained of their excess, but the landlords might have prevented the abuse of the Poor-laws, if they had endeavoured in time. Neither did he agree in the supposed injurious effect which the abolition of protecting laws would have on our manufactures. The protection of our manufactures by a tax upon our imports ought to be discontinued; it was productive of mischief. The forty or fifty per cent imposed upon articles of manufacture imported into this country was, in fact, a dead letter. His constituents, who were great manufacturers of linen, and knew their own interest as well as others, would be glad to see the protection on that article done away entirely. The whole question was involved in one principle. Under the peculiar circumstances of the country, there was an enormous quantity of capital unemployed, and a superabundance of labour. That capital and that labour required employment, and the House ought to remove every impediment which lay in their way. The abolition of the Corn-laws would, it is obvious, furnish immediate employment to a considerable extent, and he should be glad to see that impediment removed.

Sir *Edward Kerrison* had heard the speech of the right hon. Gentleman with great surprise. The farmer chiefly found the capital to work the land, the right hon. Member admitted the capital to be there, and was that to have no protection? Did the right hon. Member mean to say, that the capital of the landlord and corn-grower was not an important point to be considered? Did that not require protection? Was he to suffer the foreign grower to come into the market, and beat him out of the field? According to the right hon. Gentleman the country would go on well, while the landlords would be utterly ruined. That appeared to be the upshot of his argument, and a weaker argument he had not heard since he had been in that House.

Mr. *Langdale* said, that an increase of demand must cause an increase of price to the grower. The landowner might consider land as his manufactory, and he ought to be allowed to turn it to the greatest possible advantage. But what was the fact? He could not change his wheat into malt without being immediately met by the excise, who would forbid him to do so. What would a manufacturer of cotton twist say, if, when he proposed to turn his cotton into something else, he was met in this manner? Suppose the agriculturist thought of distilling his corn into spirits? "No," says the Chancellor of the Exchequer, "you shall not do that." Or suppose he said, "I will grow tobacco." "Oh, no," says the Chancellor of the Exchequer again, "I get 3,000,000*l.* a-year by the growth of tobacco." All these things should be taken into consideration. If we were to have a free trade, let all parties have an equal chance. The fact was, however, that we were under an artificial system, and, that system, he was afraid, must be kept up.

Sir *Charles Burrell* thought, after the eloquent speech delivered by the right hon. Baronet (the member for Tamworth) yesterday, it would have been much better to have let the question terminate where he left it. In his opinion, the landed interest was entitled to protection; and he could not, therefore, agree to the sentiments contained in the petition.

Mr. *Benett* would ask the right hon. Baronet (the member for Dundee), whether individuals who had embarked a large capital in any pursuit were not entitled to protection? A great many individuals—such as the sons of respectable farmers—were bred up to agricultural pursuits, and were, in fact, able to do nothing else. Was an education that had been so obtained to be rendered useless, by depriving that individual of the means of employing it with advantage to himself? The real question was, whether or not the farmer was entitled to protection; for the effect of free trade would be to destroy his capital. If land could not be cultivated so as to yield him a profit, the consequence would be, that the landlord would become farmer, and the farmer would become labourer. There was another class, however, in whose welfare he felt a deeper interest than in that of the farmer; that class was the agricultural labourers. It had been said, that England was essentially a manufacturing country; he denied that proposition: it was essentially an agricultural one, and he should wish it to remain so. It should be remembered, that, if the interests of any branch of manufacture was at all assailed, there was at once a combination or union of those individuals connected with it, for the purpose of representing to Parliament the effects likely to accrue, and demanding the protection of the Legislature; while, on the other hand, no combination in defence of their interests ever could exist amongst the agriculturists. He believed, however, that the root of all the distress which prevailed in the country was the great debt with which the nation was incumbered.

Colonel *Torrens* was ready to maintain the principle, that the farmer had no interest in keeping up a high price for corn. During the currency of his lease, indeed, the farmer was a part proprietor of the soil, and had a temporary interest in high prices; but that interest ceased on the expiration of the lease. The farmer, however, had a large, enduring, and permanent interest in low prices, like that of all employers of capital. The cost of cultivation was different in different qualities of soil; and if they admitted foreign corn, they might throw out of cultivation those poor soils that produced little corn, but they would not throw out the superior soils; and on those soils the farmer would get higher profits than before. Suppose a farmer obtained ten bushels per acre from a certain description of soil upon which the expense of cultivation was equal to that of soil which produced twenty bushels per acre, it would be no disadvantage to him to have the inferior soils thrown out of cultivation. If they looked to the question with attention, they would find the interests of the farmer were different from those of the landed proprietor, for the one had an interest in low prices, and the other in high. He was an advocate for cheap corn, if the expense of cultivation were lowered.

Mr. *Robinson* said, that, during all the years which he had held a seat in that House, whenever this question had been discussed, he had found, that it always bore one aspect; and the question now was in exactly the same state as when he first heard discussions upon it. He supposed, therefore, that there must either be more difficulty in the question than some persons were inclined to suppose, or that there were conflicting interests involved which tended to influence men's judgments. His opinion was, that conflicting interests added materially to the difficulties of the question. He was quite sure, that hon. Members endeavoured to divest themselves of all interested motives; but, at the same time, he was quite sure that they could not do so entirely. The great difficulty of all, however, was the immense pressure of the national debt. If they looked at the discussions which had taken place, they would find, that it was the pressure of the debt which presented the great difficulty to the effectual and satisfactory settlement of this question. The burthen on lands induced the farmers to oppose a free trade in corn; and the burthen on the labourers placed them in their situation of difficulty. The farmer complained of the debt—the manufacturer complained of the debt. It was the immense pressure of the debt which stood in the way of the settlement of this question to the satisfaction of all parties. From the extent of her capital, the industry of her labourers, and the enterprise of her merchants, if England were free from the pressure of the national debt, she could compete in free trade with any nation in the world. He did not claim protection for any particular class in the country; on the contrary, he had already admitted, that every class was entitled to protection. The landlords, if their burthens were greater than those of others, and if they could prove that they were, were especially entitled to protection. Though he had voted for the Motion of the hon. member for Middlesex, the other night, yet he would not support the repeal of the Corn-laws. He represented a constituency who were large consumers of corn, but he told them that he could never bring himself to support a free trade in corn; when he knew that the effect of that free trade would be to throw a great quantity of land out of cultivation. He believed that they would go on discussing this question interminably, until they adopted measures to lighten the burthens upon the industrious classes of the country, by making as large a portion of taxation as possible fall upon the property and wealth of the opulent classes. The petitioners prayed for such a free trade as would be impeded with as little taxation as possible. Now, the amount of the Customs was 16,000,000*l.* per annum; and, if this source of revenue was closed up, these 16,000,000*l.* of revenue must be made up in some other shape of taxation. From all these considerations, he was led to believe, that the merits of the case were neither on the one side nor on the other; and that the idea of a perfect free trade, in the present overburthened condition of the country, was a chimera in the minds of some very well-read men, who were without any practical knowledge whatever on the subject. It was impossible for a free trade to exist unless taxation was considerably lessened.

Sir *Harry Verney* said, that the farmers and landed proprietors were more oppressed by the local burthens of the country than by the taxes imposed by this House to meet the exigencies of the State; and it was to this point that the House ought to look when they wished to relieve the land. The pressure of the county and other rates upon the farmer, was very great; and in several of the parishes in his neighbourhood the poor-rates were from 12*s.* to 15*s.* in the pound. The necessary consequence of any alteration in the present Corn-laws, under these circumstances, would be to throw out of cultivation a great portion of the land, which would naturally lead to the destruction of the agricultural labourers.

Lord *Sandon* said, that there was the evidence of facts to prove, that lowering prices had ruined the farmer. What was the first effect of a fall of prices? Did the landlord immediately, when the price of corn fell, lower his rent twenty per cent? No; he said, that it was a chance which might be made up by a better crop the next year; but the next year it might be the same; and the farmer would continue to pay his rent out of his capital. With regard to throwing land out of cultivation, he could not look with indifference to a great number of the agricultural labourers being thrown out of employment, upon the mere chance of finding employment in other ways. It was the duty of a good Government not to raise one interest at the expense of another. If he looked at the possible extension of trade from the opening of the corn trade, we must, in such a case, take corn from foreign States;—but would those States, for the sake of the 200,000 or 300,000 bushels of corn, which we should want, be induced to give up the protection which they had been so long weaving round their manufactures? Would the United States do it, or Prussia?—when the constant labour of every Prussian Minister, for many years, had been to foster manufactures.

Mr. *Strickland* said, it had been truly stated, that the question was one of monopoly, or free trade; and also that, in the artificial state of this country, free trade was a chimera. Personally, he was much interested in the question. All he had in the world was in land; but still he was against the Corn-laws. He begged it to be understood, that the manufacturers had never said, though they had been charged with saying it, that their interest ought to have a predominant consideration. He could not agree with what had fallen from the hon. Baronet (Sir Charles Burrell) opposite. That hon. Baronet had observed, that the right hon. Baronet (Sir R. Peel) had exhausted the subject; and that it would have been well to leave the question where he left it. He admitted, that the right hon. Baronet had well expressed himself: but he denied that he had exhausted the question. On the contrary, the right hon. Baronet had advanced one argument only. That argument was, that the manufacturers had no right to complain of the monopoly of the agriculturists, because those manufacturers were themselves protected by duties, such as those on foreign boots, hats, and walking-sticks, if the farmers chose to have such articles of foreign produce. But the absurdity of such protection was, at the same time, manifest. Had the manufacturers ever approached that House, saying,—"Keep up such duties and protections; but while you keep them up, destroy the Corn-law monopoly?" They had never done any thing of the kind. Then, what became of the right hon. Baronet's argument?

The Speaker left the Chair at three o'clock. The question was again adjourned.

HOUSE OF LORDS,
Friday, March 21, 1834.

Minutes.] Bill. Read a third time:—Juries (Ireland).
Petitions presented. By the Earl of Albemarle, from the Western Division of the County of Suffolk, for Relief to the Agricultural Interest.—By the Bishop of London, from Wethersfield, for Protection to the Established Church.—By the Duke of Norfolk, the Earl of Durham, and Lord Poltimore, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By the Duke of Richmond, from several Places, for Renewing and Extending the Labour-Rate Act.—By the Duke of Norfolk, the Earl of Durham, and the Bishop of Chester, from a Number of Places, for the Better Observance of the Sabbath.—By the Earl of Durham, from Ceres, for a Separation between Church and State.

Appeals in the House of Peers.] Lord *Ellenborough* in rising to move that a return relative to appeals should be amended so as to distinguish Scotch from Irish appeals, wished for a moment to draw their Lordships' attention to the returns which had been laid upon their Table. Those returns had been drawn up by the Clerk-Assistant, and it would have been more satisfactory to him if sittings on Scotch as well as English and Irish appeals had been noticed. It was not, he was certain, the intention of the noble and learned Lord on the Woolsack to produce an impression on the House with respect to the conduct of his predecessors which would be otherwise than correct; but, looking at the Return then laid on the Table, he found, that during the period in which the noble and learned Lord had presided on the Woolsack he had sat 156 times, and had been assisted by other noble Lords forty-four times; while, in a shorter period, Lord Lyndhurst had sat 160 times, and had been assisted by other noble Lords nineteen days. He stated this as a fact, in justice to Lord Lyndhurst, in consequence of what had been asserted the other night. In the course of one session Lord Lyndhurst had sat sixty-five days—a greater number of days than had been devoted to judicial matters by any other individual whose name appeared on the face of the Return. Lord Eldon, in 1821, sat fifty days; in 1822, fifty-two days; in 1823, fifty-eight days; when undoubtedly his labours were assisted by Lord Gifford. He had, however, in 1824, sat forty-four days; in 1825, forty-six days; and in 1826, fifty days. This ought to be known, lest a wrong estimation should be made of the labours of the noble and learned Lord's predecessors. No one imputed to the noble and learned Lord any laxity in the discharge of his duties: yet it was but right that the public should know, that the noble and learned Lord's predecessors had exerted themselves to as great an extent as he had done.

The *Lord Chancellor* observed, that when on a former evening he had addressed the House on this subject, he had no intention to make any invidious comparison of his labours with the labours of others. But when he found individuals twitting him, or accusing him with being remiss in the performance of his duty, his object merely was, to state his own case in a plain manner. No such intention entered his mind as that of bringing himself into that sort of comparison, which, God knew, would be disadvantageous, and not advantageous, to him. He had no object in view, except in so far as to show their Lordships that he had not been inattentive to his duties. He had not seen the Returns, excepting for about a minute, and therefore he could not speak confidently about them. He had, on a former evening, made a comparison between the two Sessions, when Lord Gifford assisted the then Lord Chancellor, and those in which he had had the honour to fill the situation which he now held, and he said, that he did not shrink from a comparison of his labour with the business which had been gone through in the time which he had specified. He thought it would be found that in the first year, in which he sat in that House in his present situation, he had sat not fewer days than Lord Gifford had done in the year to which he had most particularly referred. He believed, that he had sat an equal, if not a greater number of days. In the glance which he took over the Return, he might have mistaken the column of causes for the column of days of sitting; that was possible; but assuredly he meant to institute no invidious comparison whatever. During the time which he sat on appeals, he did not rise, as had been customary, at 3 or 4 o'clock. He frequently renewed his sittings after the political business was at an end. Frequently he sat till 9 or 10 o'clock at night, and that, too, be it observed, from 10 o'clock in the morning. It was not his intention to impugn the great and valuable services which the country had derived from the exertions of his immediate predecessors, and which he himself, when at the bar, had an opportunity of witnessing and appreciating; but what he stated was, that he had not had the benefit since he presided in that House, of the assistance of any actual judge. He had not had the aid of the Master of the Rolls, as Lord Eldon had; neither had he the assistance of the Chief Baron, of which Lord Lynhurst had very properly availed himself. It was true he had had the able assistance of his noble and learned friend, the late Chief Justice of the Court of Common Pleas, without which he could not have gone through so much business. He must observe, before he concluded, that there was a fallacy in the manner in which the Returns were drawn up. It gave the arrears at the end of the Session, and the number consequently depended on the question whether the Session was long or short. In 1830, the Session began in November; the appeals, therefore, could only be entered up to November. In this year it began in February, so that there were three months and more for appeals to be entered. The comparison, therefore, would be between the appeals entered in ten, and entered in thirteen months. Yet what was the result at the beginning of this Session? There were eighty-four appeals, or ten fewer than at the beginning of the Session of 1831.

The amended Return was ordered.

LIVERPOOL FREEMEN DISFRANCHISEMENT BILL.] The Earl of *Radnor* moved the first reading of this Bill, and, stated, that the course he meant to pursue was this.—He should move, that a Message be sent from that House to the House of Commons, requesting a copy of the Report of the Select Committee of that House which had sat on this subject in 1831, and the Report of the Select Committee of the last Session. He hoped, that noble Lords would look at these Reports, and would be satisfied with the account of the evidence there given without requiring a further examination at the Bar of that House. He should move the second reading on Monday, the 28th of April.

Lord *Wynford* never could consent to pass such a Bill merely on the report of evidence given before a Committee of the House of Commons. He hoped, that this House would never depart from the ancient practice of examining witnesses themselves, especially, as the noble Earl had said the other night, when they had judicially to decide on the disfranchisement of a borough. He was the last person in the world to wish to defend corruption, but he would not consent to act upon evidence taken in another place. However, to show, that he wished to throw no impediments in the way of this measure or to interrupt the business of the House, he was ready to consent that the evidence should be taken before a Committee up stairs. He, therefore, gave the noble Earl notice, that when the second reading was moved, he should move as an Amendment, that the parties be heard at the Bar of that House.

The Marquess of *Salisbury* had the greatest respect for the noble and learned Lord, but he must say, that he objected to to any proceeding before a Committee up stairs, the evidence before which was to be a ground for the House to act in a judicial manner. He thought, it was not expedient to depart from the precedents which had hitherto governed the conduct of their Lordships.

Lord *Ellenborough* did not mean to say anything on this question, but suggested to the noble Earl, that as the second reading of the Warwick Bill was fixed for the 24th, and it was not likely that the House could dispose of it by the 28th, the second reading of the present Bill ought to be fixed for some other day, so that the House might proceed from day to day with one, and then take up the other.

The Earl of *Durham* saw no reason whatever why the House should agree with this proposition. For once in his life, he agreed with the noble Marquess opposite, that there ought to be no delegation to a Select Committee sitting with closed doors. He wished to ask the noble and learned Lord opposite, what he meant by a Motion that the parties should be heard at the Bar? Did he mean that the parties who promoted the Bill should be heard at the Bar whether they wished it or not? They had not petitioned to be heard. Did the noble and learned Lord mean to conduct the examination?

Lord *Wynford* admitted the objection to having the witnesses before a Committee up stairs. To obviate that, and not interrupt the business of the House, he was ready to consent that they should be examined in the morning. In answer to the noble Earl, he said, that what he meant was, that there should be an examination of witnesses in support of the allegations of this Committee. If these allegations were not proved, the Bill would fail. He certainly did not mean to conduct the case. From what he had already seen of this Bill he was satisfied it ought to fail.

The Bill was read a first time.

CAMBRIDGE UNIVERSITY PETITION.] Earl *Grey* said, he had now to present to their Lordships a Petition which appeared to him to deserve their most serious and attentive consideration. The petition came from a number of members of the University of Cambridge, who, although members of the Established Church, prayed that their Lordships would relieve the Dissenters from one of those grievances which, in their petitions to Parliament, the Dissenters had described as one with which their interests were deeply connected, and which they anxiously wished to be removed. In the prayer of that petition he need not state to their Lordships, to whom his opinions were well known, his entire concurrence. That petition had been put into his hands by most respectable individuals, and he was happy to bring it before the House, praying, as it did, for an object which appeared to him to be just and reasonable in itself, and which, if agreed to, would, in his opinion, prove eminently conducive to the interests of the Established Church. It was signed by sixty-three members of the University of Cambridge—a number bearing a most respectable proportion to the whole number of members of the senate generally resident in that University. The number generally resident, he was told, was somewhere between 170 and 180. The number of persons by whom it was signed amounted, therefore, to more than one-third of the usual residents. He believed that, from the resident members of the senate, there must be deducted several who, from age, infirmity and other causes, seldom took part in the affairs of the Senate, and he had also to observe, that several members of the Senate, who had not signed the petition, to the number of eight or ten at least, were favourable to its prayer. He had, therefore, to state, and he would state it with confidence, that a very considerable proportion of those members of the Senate who took part generally in the affairs of that body were favourable to the prayer of this petition. But he felt still greater satisfaction in stating, that it was signed by men who were highly respectable for their moral worth and their extensive attainments. It was signed by two heads of Houses, by nine professors, and by eleven tutors of colleges, comprising some of the most eminent members of the University. He need not state to any one who was at all acquainted with the University of Cambridge the high character of those by whom the petition was signed, when he mentioned the names of Professors Airy, Sedgwick, Musgrave, Lee, and many others, than whom there were not persons in the University more eminent for general knowledge, more eminent for science, or for the excellence of their moral conduct in life, and all of them were well known to be zealously attached to the interests of the Established Church. Amongst the tutors they found the names of men equally celebrated. It was only necessary, in proof of this allegation, to mention the names of Messrs. Peacock, Bowstead, and Thirlwall. The last-named gentleman was considered one of the most eminent scholars in Europe, and no body of men could be more estimable for their moral character, for their extensive acquirements, or for the enlightened and honest zeal which distinguished their attachment to the Established Church. Amongst others whom he might particularly notice was the reverend Mr. Hughes,—a gentleman who was highly distinguished in the University, and who, he believed, was examining chaplain to the Bishop of Lincoln. It could not for a moment be supposed that such individuals as these could harbour any design against the interests of the Established Church. He might, perhaps, be asked how it happened, that an application of this kind had been made to their Lordships, when it might have been made to the senate of the University? The reason was short and satisfactory. It was merely this—that under the existing system the petitioners had it not in their power to proceed in that manner with any probable chance of success. According to the constitution of the senate, as probably most of their Lordships were aware, it was in the power of the Caput, and not only of the Caput, but in the power of every individual of that body, to put a veto on any proposition that might be made. On two occasions, attempts were made to bring the case of the Dissenters before the Senate. Professor Farish endeavoured to bring it under consideration in Michaelmas term last. His proposition was at once met by a positive negative. It was afterwards introduced by Professor Hewitt, in Hilary term last, and it was again met by a positive denial. The petitioners found that they could proceed in no other way, and therefore they had come to this House. They had no chance of succeeding where such a power existed; for if nine-tenths of the University of Cambridge were in favour of any particular measure, though it might appear to be for the interest of the University or of the Church, yet any one member of the caput might, by exercising this prejudicial *veto*, put an end to the proceeding. Such was the reason which induced the petitioners to come to that House. Having explained the origin of the petition, he wished to state to their Lordships the object of the petition; and he could not acquit himself better than by reading a portion of the petition itself, which was admirably drawn up, its premises clear, and its deductions conclusive. It set forth,—‘ That your petitioners are ‘ honestly attached to the doctrines and ‘ discipline of the Church of England, as ‘ by law established; and are well persuaded of the great benefits it hath conferred, and is conferring, upon the kingdom at large. They beg leave, also, to ‘ declare their sincere attachment to the ‘ University of Cambridge, grounded upon ‘ its connexion with the Established Religion of the country, and upon the ‘ wholesome effect it hath produced on ‘ the learning, piety, and character of the ‘ nation. Strongly impressed with this conviction, they would humbly submit to ‘ your hon. House their belief, as Protestant Christians, that no system of ‘ civil or ecclesiastical polity was ever so ‘ devised by the wisdom of man as not to ‘ require, from time to time, some modification from the change of external circumstances, or the progress of opinion. ‘ In conformity with these sentiments, ‘ they would further suggest to your hon. ‘ House, that no corporate body, like the ‘ University of Cambridge, can exist, in a ‘ free country, in honour or in safety, unless its benefits be communicated to all ‘ classes as widely as is compatible ‘ with the Christian principles of its ‘ foundation.’ He entirely agreed in those general expressions of feeling,—he concurred in the general views contained in the petition then before the House, coming as it did from members of the Established Church, who felt an ardent desire to promote its interests, and whose duty it was to support its welfare by all the means in their power,—coming from individuals who, to use their own emphatic words, “ were honestly attached to the doctrines and discipline of the Church of England,” and whom, therefore, no application could induce, if such by possibility could be made, to lend themselves to any project that could, in the slightest degree, militate against the principles which they professed. The petitioners proceeded to say,—‘ Among the changes ‘ which they think might be at once ‘ adopted with advantage and safety, they ‘ would suggest to your hon. House the ‘ expediency of abrogating, by legislative ‘ enactment, every religious test exacted ‘ from members of the University, before 'they proceed to degrees, whether of Bachelor, Master, or Doctor, in Arts, Law, 'and Physic. In praying for the abolition 'of these restrictions, they rejoice in 'being able to assure your hon. House, 'that they are only asking for a restitution 'of their ancient academic laws and 'laudable customs. These restrictions 'were imposed on the University in the 'reign of King James 1st., most of them 'in a manner informal and unprecedented, 'and grievously against the wishes of 'many of the then members of the Senate, during times of bitter party animosities, and during the prevalence of 'dogmas, both in Church and State, 'which are at variance with the present 'spirit of English law, and with the true 'principles of Christian toleration.' Many of their Lordships might suppose, that what this petition prayed for was not consistent with the original institution of the University of Cambridge. But such was not the fact: the petitioners sought to remove restrictions which were imposed on the University long subsequent to its foundation, and under the circumstances which were stated in the petition. Perhaps their Lordships would allow him to advert, very shortly, to the constitution of the University of Cambridge. The bye-laws of the University, or *Statuta Antiqua*, took their rise under Acts of Parliament passed in the time of Henry 8th, Edward 6th, and Mary. A Statute, passed in the 12th year of the reign of Queen Elizabeth, had embodied nearly all the former Statutes and constituted thus the general rules by which this society was originally governed. In these rules there was no mention whatever made of those restrictions which were now the subject of complaint; and though oaths were prescribed, there was nothing in them which looked like religious tests. In those worst times of the Reformation, when the persons at the head of the Church were as zealous as any that now lived for its security, there was no such thing as a religious test introduced. It was not till a subsequent period, that these restrictions were introduced, namely, in the early part of the reign of James 1st. In the year 1604, the Convocation framed a Book of Constitutions and Canons Ecclesiastical; but the articles that were now the subject of discussion were introduced in consequence of a letter from the King. In that letter, it was required, that no person should have permission to graduate as a Bachelor of Divinity, Doctor of Divinity, of Law, or of Physic, unless he subscribed to the third article of the 36th Canon. This letter of the King was afterwards adopted and confirmed by a Grace, by which Bachelors in Divinity, and Doctors in Divinity, in Law, and in Physic, were not to be admitted to degrees, without subscribing to what was contained in the third article of the 36th Canon, which, containing the 39 Articles of the Church of England, of course operated to exclude Dissenters. This, however, it would be observed, did not extend to Masters of Arts, which degree appeared, so far, to be still open to all; but they were afterwards excluded from that in the following singular, and, as the petitioners described it, informal manner. The manner was so informal and unusual, that it might almost be a question on what sufficient authority the exclusion now rested In the year 1606, another document, signed J. R., was sent to the University. This document was stated to be the substance of what had passed between the King and certain members of the University of Cambridge, and in it the King desired, that in future no degree whatever should be granted, except as before stated; but that no person whatever should be admitted to take any degree whatever who had not first subscribed to the 3rd Article of the 36th Canon. This was all that had taken place on this subject. There had been no confirmation of this second document by a Grace; but this letter, which was written from Newmarket, where the King was then attending the races, was the sole authority on which the exclusion of Dissenters from all degrees whatever now rested. The directions contained in the letter was well known to be against the opinion of many Members of the Senate at that time; and it was but fair to presume that as the letter of the King, which had been previously forwarded, had been confirmed by a Grace, that this last letter was not so confirmed—because, if proposed, it was not likely that it would have met with that formal and necessary ratification. But be that as it might, in practice these restrictions had been adopted up to the present day, probably in consequence of that negative possessed by the Caput, by which the granting of a degree might be refused, if the conditions were not complied with. These orders and regulations remained in abeyance from the year 1641 until the restoration of Charles 2nd, when they were renewed, and had been continued to this day. In 1777, an alteration was made: Bachelors of Arts were not called on to subscribe the articles contained in the 36th Canon, but they were required to sign a declaration, stating that the applicant was a *bonâ fide* member of the Church of England. With that single exception, he did not know, that there was to be found in the records or statutes of the University anything confirming or acknowledging the exclusion which had been established. The operation of that alteration was, to admit to the degree of Bachelor of Arts all persons subscribing the declaration which he had mentioned, but leaving the practice, as it had prevailed from the year 1616, of subscription to the three articles of the 36th Canon, in other respects undisturbed. The operation of the whole was, to exclude all persons, not being members of the Church of England, from taking degrees; and it was this exclusion, so justly complained of as a grievance by the Dissenters, that the petitioners, watchful over the interests of the University—anxious for the security of the Church, but, at the same time, desirous of removing what they considered as no less detrimental to the particular class which it more immediately affected, than to the University and the Church,—earnestly prayed their Lordships to re-consider—to revise a regulation introduced in the manner which he had described, which they believed to be at variance with the principles both of justice and policy. He did not think, that any danger was likely to result to the Established Church by adopting such a course. On the contrary, he was of opinion that it would be productive of great and manifold benefits. He could not imagine, that the admission to university honours of individuals of high character and great learning, though differing from the Established Church in their religious tenets, could be productive of any ill effect. Those individuals having the benefit of a learned education, having reaped the fruits of that instruction which the University afforded, when they arrived at that period when they naturally wished to apply for those distinctions to which they were entitled, ought not to be stopped short in their honourable career. He could not conceive that any danger either to the Church or to the University could or would result from acceding to their application. In his view of the question, it would be more really conducive to the true interests of the Church and to the true interests of the University if that course was adopted which would bring members of the Church of England and Dissenters more closely together,—which would tend to soften angry feelings, to obliterate the marked line of distinction which now existed between the two bodies, and to do away with that animosity which a sense of injury and of exclusion necessarily engendered. This, in his opinion, would be truly beneficial. This was not his own opinion merely. In stating it, he expressed the opinion of many wise and good men. The illustrious Duke opposite (the Duke of Cumberland) had asked him on a former occasion, whether this petition came from members of both Universities; and he informed the illustrious Duke in reply, that it emanated only from the University of Cambridge. The reason of this was, that there existed, as their Lordships were aware, a most material distinction between the rules and regulations of the two Universities. At Cambridge a Dissenter of any denomination might be admitted to the advantage of a learned education without subscribing any declaration whatever, and many were now obtaining education there who were not members of the Established Church. This was not the practice at the other University, where the students, on matriculation, took the oath. Now, he would ask, had any evil or any disadvantage whatever been experienced by the Church of England from the practice which prevailed in the University of Cambridge? Far from it. He believed, that instances could be adduced where Dissenters who were educated at Cambridge had become members of the Established Church. If Dissenters were admitted to all the previous advantages of education in the University,—if they studied there for three years, (the time necessary to elapse before a degree could be conferred)—when they had been suffered to go so far, was it, he demanded, expedient,—was it just,—could it be useful to the Church, to stop short at the period when they had by study and by long residence a right to expect, in reason, that they should receive the well-earned fruits of their care and industry? Was that the time to shut the door against them, and to refuse them the liberty of profiting by those advantages which their education at the University had enabled them to possess? Why should not a Dissenter educated at the University be allowed to assume those academic honours which gave importance to professional men? Many of the Dissenters educated at Cambridge had evinced abilities of the highest order. He had heard of a Quaker there who had distinguished himself greatly at his examinations. Was it, he again asked, fitting, after a residence of three years,—after having received all the benefit of an enlightened education—that the Dissenter should be told, that he must stop short—that he should be deprived of that which was the object of his most anxious desire? If those individuals were, by these means, deprived of those advantages which they ought to derive from a great civil establishment, would they not struggle hard in order that they might be allowed to attain them by the formation of other establishments? That was a consideration which he thought it was very natural the Dissenters should suffer to influence their conduct, for assuredly if they were not admitted to the full benefit of the two Universities, it could not be expected that they should not seek those honours elsewhere; and it would be both impracticable and unjust to prevent them from obtaining the same advantages which they vainly looked for in those Universities, conformably with their own views and feelings. Both the profession of law and of medicine was rendered more difficult of access to them than to members of the Establishment. If a Dissenter wished to become an attorney, he must act as a clerk for five years; but if he could have taken a degree, that would reduce the term by two years. So, if he wished to become a barrister, however excellent his education might have been, still, as he had not taken a degree, which his religious scruples prevented, he was obliged to remain on the books for five years before he could be called: while, if he were admitted to take a degree, three years would be sufficient. The Dissenter might arrive at the honour of a licentiate of the College of Physicians or of Surgeons; but, without a degree, he could not become a fellow of either. This was a serious civil injury; and he saw no reason why the Dissenter should not be placed on equal terms with those who, in point of education, had only the same advantage as himself. He would state as a strong argument in favour of his views that, in the University of Dublin, Dissenters of all denominations could obtain degrees. They were admitted in the year 1793, about the time when the first concessions were made to the Roman Catholics, to the privilege of taking degrees in arts and medicine; and the concession of this privilege was made with the entire consent, concurrence, and support of the two members for the University of Dublin, then sitting in Parliament; it being objected to by nobody, he believed, but by a person whose name was celebrated in the annals of religious controversy, the late Dr. Duigenan. He was not aware that any disadvantage of any kind had been incurred, either by the University of Dublin or by the Established Church, in consequence of the liberal, just, and wise grant of that privilege. On the contrary, he believed it had been most beneficial in its effects, and so far from producing, what he supposed was apprehended by some persons would be the result of pursuing a similar policy with respect to the English Universities,—anything like schism or dissent in the University, or weakening the influence of the Established Church,—he did not know a single instance of a conversion being effected among persons professing the established religion in consequence of the concession of degrees to Dissenters, though he did know that many individuals who once dissented had become members of the Church of England. Believing as he did in the superior purity and excellence of the doctrines and tenets of the Established Church, he certainly did think that the most likely effect of conceding what was asked for in the petition to which he was now calling their Lordships' notice, would be to bring over to the Established Church many persons who did not at present belong to it. He thought, therefore, that he had stated sufficient reasons for inducing their Lordships to inquire carefully into the expediency of complying with the prayer of the petition,—a prayer founded, as he conceived, in justice, and supported on grounds entirely consistent with the most earnest desire, which in all these discussions ought to be professed and entertained, for the security and welfare of the Established Church. It was, in his opinion, unnecessary for him to state anything further on these points before he proceeded to read the remainder of the petition, to which he was desirous of calling their Lordships' most serious attention. He believed, that he had satisfactorily shown that the petition asked for nothing inconsistent with the original constitution of the University. It proposed, that Dissenters should be admitted to the privilege of obtaining degrees—a concession which could be in no wise dangerous either to the University or the Establishment, and would at the same time relieve from disabilities, of which they justly complained, a class of persons who, on account of their general attachment to the liberties and constitution of the country, were as much deserving of the attention of that House as any class of his Majesty's subjects. He professed himself to be a sincere and ardent well-wisher to the success of their claims whenever they were supported by justice; but whenever they were pushed to an unreasonable length, and pressed forward in combination with declarations which, if acted on, would, he thought, be destructive of the Established Church, he should not fail to oppose them. He lamented that a want of moderation should have been shown by any portion of the Dissenters, for he thought that it could be productive of no other result than deep injury to their cause; but he conscientiously believed that the great majority of those who dissented from the Church disapproved very much of the proceedings to which he alluded. They were, indeed, entirely disclaimed by several members of that respectable body with whom he had had that day an interview, and who stated, that, though not as Dissenters, but as members of the community, they might entertain the opinion, which had been maintained by some men attached to the doctrines of the Church of England, that the existence of any Established Church whatever did not tend to the advantage of religion; yet they were not willing to press that question on the Legislature, being desirous of confining their complaints to those grievances of which they could fairly complain, and from which he would most anxiously and earnestly endeavour to relieve them, whenever he had an opportunity of successfully bringing forward a measure for that purpose. He would now read the concluding paragraphs of the petition; and he begged to state, that he entirely concurred in the view taken by the petitioners of this part of the subject:—"Your petitioners" the noble Earl read, "conscientiously believe, that if the prayer of this petition be granted, the great advantage of good academic education might be extended to many excellent men who are now, for conscience sake, debarred from a full participation in them, though true friends to the institutions of the country; and your petitioners are convinced that this is the best way at once to promote the public good and to strengthen the foundations of the Civil and Ecclesiastical Establishments of this realm. The University is a body recognized by the law of England as a lay corporation, invested with important civil privileges, and on that account resting on no secure foundation which is not in harmony with the social system of the State. Your petitioners therefore humbly beg leave to suggest, that as the legislative bodies of the United Kingdom have repealed the Test-act, and admitted Christians of all denominations to seats in Parliament, and to places of dignity and honour, they think it both impolitic and unjust that any religious test should be exacted in the University, previously to conferring the civil privileges implied in the degrees above enumerated. Lastly, your petitioners disclaim all intention of hereby interfering, directly or indirectly, with the private Statutes and regulations of individual colleges, founded as those colleges are on specific benefactions, and governed by peculiar laws, of which the respective heads and fellows are the legal and natural guardians. To the several clauses of this petition the consideration of your honourable House is humbly but earnestly entreated, and your petitioners, as in duty bound, will ever pray." He had stated all that appeared to him to be necessary in support of the very just and excellent prayer of the petition; and having done so, he would only say, that he thought the names attached to it would prevent all reasonable men from apprehending that any measure was contemplated which could at all be dangerous to Church or State; and he, therefore, as a friend to the Dissenters—as a friend to the Universities of this country—and above all, as a friend to the Established Church—offered the petition to their Lordships, requesting them to give it their most attentive and serious consideration.

The Duke of *Wellington* said, that he had intended to follow on this, the course which he had usually pursued on similar occasions, viz., to avoid entering into any discussion of the question raised by the petition. But the importance of the subject, the importance attached by the noble Earl himself to this petition, the formal notice which he gave of his intention to bring it forward, the attention with which it had been received in that House, and the general attention which it was likely to excite in consequence of the noble Earl's speech, called on him to address at least a few words to their Lordships on the subject. He could not, however, help lamenting that the illustrious Duke, the Chancellor of the University of Cambridge, should not be present upon this occasion, as he would have been so much better able to have stated to their Lordships the peculiar circumstances connected with the University of Cambridge, to which this petition referred. It certainly could not be expected that he should be much acquainted with matters of this description relating to either of the Universities, and much less so in relation to the University of Cambridge than to the University of Oxford. But what must their Lordships think of the prayers of this petition, when, from the statement of the noble Earl himself, it appeared that this University was a corporation? That it was a corporation with the power of judging and deciding on the matters referred to in this petition—a corporation, invested not only with the power of judging, but also perfectly capable of judging, on these subjects. What, then, was the case? Sixty members of this corporation; sixty most respectable individuals he would admit—and he was sorry the illustrious Duke was not present to bear testimony to their respectability—these sixty individuals came to their Lordships, and desired them to interfere in their legislative capacity, in order to overrule the regulations of this corporation. Here was a primary objection. The noble Earl had stated to them, doubtless with great accuracy, the history of these regulations, and had, on the demand of these sixty individuals, called on their Lordships to alter them. He did not know, that it was the duty of their Lordships to enter at all into the regulations of these Universities, at all events without the consent of the Senate. There were between 200 and 300 members of the Senate resident at Cambridge. [Earl *Grey:* Only 180.] Be it so. There were 180 members of the Senate resident at Cambridge, and there were about 4,000 non-resident. If the House were to act on the petition of these sixty individuals, what would they be doing? Why, when the subject came to be regularly discussed before the Senate, it would be found that these sixty individuals did not comprise more than a fiftieth part of the whole number, and that all the remainder of the corporation would be opposed to the noble Earl. These gentlemen, then, proceeded to say, that whether there were or were not a majority in the Senate, the subject could not be ascertained, because the Caput of the Senate had refused to allow the subject to be brought forward. That House could not enter into the question whether the Caput was right or wrong in coming to this determination; but it was clear, that if the disposition to interfere with their regulations were as strong as it was apprehended by these gentlemen, it would have been only necessary for something like a majority to have proposed it, and it would have been carried into execution.

Earl *Grey*: It was twice proposed to the Caput for discussion, but they would not permit it to be discussed.

The Duke of *Wellington*: And why should they, when there was so great a majority as 4,000 against sixty? Under such circumstances, it was the duty of the Caput to make the objection. He really thought it would become the House to consider well, in all these questions relative to the Dissenters, who they were and what they were. Many of them differed in a very slight degree from the Established Church, objecting only to one or two articles. There were others who did not agree with the Established Church on any one point; others who denied altogether the existence of the Trinity; and others who were complete Atheists. It was highly important for their Lordships to look to this variety of opinions, and to consider well the probable effects of the removal of these restrictions before they adopted any such measure as the present. The regulations of the University of Cambridge were different to those of the University of Oxford. The noble Earl had said, that Dissenters might go to Cambridge and receive their education till they came to the degree of Bachelor of Arts. But the Dissenter would not, under the existing regulations, receive his degree unless he signed certain articles. These articles were neither more nor less than the Articles of the Established Church; that was to say, after receiving the education of the Establishment, they were required to sign these articles, being articles of Christians—the articles of their education as Christians—and it was on their refusal only to sign these articles, that their degree was refused them. Surely it was not on such a point as this that their Lordships were to interfere. It was said, that persons not obtaining the degree were liable to certain disadvantages in the professions of medicine and law. It was perfectly true, that in the profession of medicine a certain education, received at the University, did give certain advantages in the way of promotion and in the way of time. This was likewise the case with barristers and attorneys. Gentlemen who had obtained this degree, had the advantage of being called to the bar at the King's Inns, he believed, two years earlier than those who had not. But this did not arise from any rule of the Universities; the rule was laid down by the Benchers of the Inns. They could not call on the Universities to alter this rule, for the Universities had nothing to do with it. The alteration of that regulation was quite a different question; but he entreated their Lordships not to interfere with an institution like the University of Cambridge, at the instance of so small a minority of its members; nor, at their demand, compel an alteration in its byelaws, which would so seriously affect its government.

Lord *Ellenborough* was of opinion, that no question could be brought before their Lordships more important, or more interesting to large classes of his Majesty's subjects, than that which had been introduced to the notice of the House by the presentation of the present petition. In considering this subject, he apprehended there would be felt not merely difficulties in principle, but practical difficulties, which even if the difficulties in principle should be surmounted, the Legislature would not be able successfully to encounter. Undoubtedly the objections mentioned by his noble friend who had just sat down to interfering by parliamentary enactment, with the charters and privileges of the University of Cambridge were not small. He must confess, that he felt the greatest disposition to acquiesce, if practicable, in the wishes of the petitioners. He saw great advantage to the public in providing for the joint education of all classes of his Majesty's subjects, though entertaining different religious opinions, in an establishment where the Ministers of the Established Church received their instruction. He considered that such unions formed in early life for the purpose of education, would be productive of great advantage to the Established Church, and of very great advantage to the community. Moreover it could not be considered in any other light than as a great disadvantage to cause any persons professing a particular religious belief to entertain the feeling, that they were harshly treated by the laws of the country, and excluded from benefits solely on account of their religious opinions. Undoubtedly there could not be any objection, on principle, to extending to persons dissenting from the Church of England, all such advantages resulting from the conferring of degrees in the Universities as might place them on an equal footing with their fellow-subjects who were members of the Church of England in the profession of medicine and the law. But he must, at the same time, declare, that nothing should induce him to consent to persons dissenting from the doctrines of the Church of England, exercising power and authority in the Universities, which, though they might be lay corporations, he could not but consider as being practically, intimately, and essentially connected with the Established Church. Here he drew a distinction, from which nothing should induce him to depart. Any advantage which the Dissenters required to enjoy at the Universities, and which it would be consistent with principle, and practically possible for their Lordships to grant, let them have it in common with their fellow-subjects of the Established Church; but he would grant them nothing which, by possibility, could lead to their obtaining any power or authority from which injury might result to the Church of England. He would do nothing which could injure the Church of England. He stated that distinctly, as the principle by which he should be guided, if he should be called on to give any vote on this deeply interesting and important subject. At present he was ready to do anything in his power, whatever his private and personal feelings might be on the question, for the purpose of maintaining, if it were possible, religious harmony in this country. The preservation of religious peace was the object of the noble Duke who had just sat down, in forwarding the two great measures of relief which passed during his noble friend's tenure of office. In the attainment of that object, he (Lord Ellenborough) would be ever ready to assist; and he confessed, that at the present moment he saw nothing more likely to prevent its consummation, than the adoption of a course by the Legislature which should have the effect of associating with that difference in religious opinions which they might not be able to overcome a sense of oppression arising from political distinctions; and by uniting both in one deep feeling of animosity, of inflicting on this country one of the greatest curses with which any community could be visited.

The *Lord Chancellor* said, he had heard with the greatest satisfaction, many of the sentiments to which the noble Baron had just given utterance. The expressions which had fallen from the noble Baron, of toleration and of friendly regard towards those who conscientiously dissented from the Established Church, and the wise counsel which he had given to the members of the Establishment, to follow the path of peace and conciliation, as being the most likely to lead to the security of their own Church, had caused him (the Lord Chancellor) great satisfaction; and he could not help thinking, that they came with peculiar and appropriate grace from the descendant of one of the most eloquent, learned, and, without desiring to institute any disparaging or invidious comparison to any of his brethren now living, one of the most tolerant and enlightened prelates that ever adorned the Episcopal Bench. He repeated, that it was highly grateful to him to find such sentiments entertained by the noble Lord, with whom he also agreed in thinking that it was hardly possible to overrate the importance of the subject under consideration, as it would be difficult to overrate the difficulties attending it. In his mind there did not exist any difficulty in point of principle, but merely as to the details of the measure, and the manner in which it might be thought expedient to carry it into effect. Whether, for instance, any guards or restrictions should, on mature consideration, be deemed necessary (and if they were not necessary, they were most inexpedient) in carrying into effect the great principle of civil and religious liberty, which this question jointly involved. That there might be difficulties besetting their path, in seeking the best mode of acting on these principles, he was as ready as the noble Baron to admit. But he must say, that he considered this to be no speculative question; it was no visionary or fancied grievance of which the Dissenters now complained; it was not a matter merely of abstract principle, as many of the subjects lately taken up by that highly respectable and most virtuous and enlightened body of men appeared to him to be; but it was a practical evil—a grievance which met them in the ordinary transactions of life, and which imposed a burthen on them in the way of disqualification, from which the rest of their fellow subjects were free—free, he repeated, only because they conscientiously adhered to the doctrines of the established religion of the State, and conformed to its rules and discipline, and from which the Dissenters were not free, only because they as conscientiously dissented from the Established Church, and would not conform to its discipline. By the same rule as he claimed for himself, and for the bulk of their Lordships, the undeniable and imprescriptible right to have a Church which they approved of, and to follow the principles which they professed—by the same rule, and by the parity of the same reason, was he compelled (but he did it cheerfully, and, therefore, should not say that he was compelled) at once to grant to all Dissenters the right, as high and imprescriptible on their part, to worship their Creator according to the dictates of their own conscience, without being degraded in their own eyes or those of their fellow-subjects for so doing. He would not, however, weary their Lordships by insisting on truisms, for he believed no person would be found hardy enough to remain adverse in principle to the propositions which he had just stated. But though universally admitted in principle, they were yet denied in practice, and there was no denial of them which created a greater practical grievance to the Dissenters than their actual exclusion from all academic distinctions. Their Lordships would not, he believed, admit (at least he would not) that it could be possible to maintain this exclusion much longer, whether by the law or practice of the country, or by the University statutes, royal ordinances, or academical rules. That it should continue much longer in these our days he held to be a thing utterly impossible. If any man were asked to point to the country, and the age in which it was inconceivable that such an exclusion existed, he would, if he were ignorant of the fact, at once point to England as the country, and to the nineteenth century as the era. If a man wished to follow the medical profession, being desirous to devote his faculties and time to that most useful employment, painful to many individuals, but useful beyond almost all other professions to the community at large, he might, if he belonged to the Established Church, be enabled to pursue the profession by going to the university at Oxford or Cambridge, by residing within his own country, and by obtaining his education there; not, however, his medical education, be it observed, because, though the two Universities were the only two bodies having the power of granting medical degrees, they were also the only bodies which at once had the monopoly of the privilege, and of the incapacity to teach. They at once claimed for themselves the exclusive power of making doctors, and, at the same time, loudly admitted, for they proclaimed their incapacity, that they could not teach medicine. They could only make doctors, not qualify them. They could make a man a master of arts by teaching him mathematics and the classics; but he must learn medicine elsewhere; and after qualifying himself by seven years' study in another part of the world, return to the bosom of his *alma mater* for the purpose of obtaining a degree. But if the same individual happened to be a conscientious Dissenter, he could not go to Oxford at all. He would, to be sure, be admitted at Cambridge, but even there he could not be able to obtain a mathematical or doctor's degree. For the purpose of obtaining a degree in medicine, he must quit his home, his family, and friends, and must go to a foreign country. He must repair to Paris, to the Dutch universities, as formerly used to be the case, or to the Scotch universities, or he might study in London, where a knowledge of the medical art might be acquired, but where, though it was the emporium of science as of commerce, a degree was not to be obtained. It should be borne in mind, that the law of Scotland was very different, in many respects, from the law of England; and he (the Lord Chancellor) knew of many parents who had been deterred by that very circumstance alone from sending their children to that country for the purpose of medical education. Still, however, the Dissenter had no choice; he might go abroad and remain there for three or four years, at great expense, receiving instructions in medical science, and he might return again and find himself just in the same situation, as far as concerned the means of obtaining a degree, as when he first left. Why was he subjected to this hardship? Simply because he conscientiously differed from the religious opinions of the majority of his fellow-subjects in this part of the country. That was the reason, and the only reason of the grievance under which the Dissenter now laboured, and under which he justly, and not one note louder than he ought, now complained. The noble Duke (Wellington) had, to be sure, an easy method of disposing of all objections on this as well as on most other questions. The noble Duke had asked what great evil was there in allowing students at the Universities to proceed with their education, taking care, before they obtained their degrees, to make them sign the articles of Christianity, as he called them. But the noble Duke ought not to forget that these articles were the articles of Christianity, adopted by one particular Church; and, however much the noble Duke and himself might venerate its form of worship, the pure and rigid Presbyterian considered it to be scarcely removed from what he regarded as little better than Paganism—namely, Popery. It must have been quite evident to the House, that the noble Duke dwelt with much satisfaction upon the circumstance, that the present petition had been signed only by sixty of the resident members of the Senate of the University; that they bore no proportion to the whole number, and, therefore, a preponderating majority must be considered as opposed to the prayer then addressed to their Lordships. Now, he would suppose, that a large body of the non-resident members took a different view of the subject from that adopted by the petitioners, still he should say, that the assumption of the noble Duke, that there existed a preponderating majority against the prayer of the petition was perfectly gratuitous. He begged their Lordships to recollect, that the petition was signed only by resident members of the University; and if any portion of that learned body could be supposed to feel a hankering after such opinions as those of which the noble Duke was the advocate, it would be rather members who resided, than those who might be scattered about the kingdom, and living in unreserved communication with their fellow-countrymen. The House must know, as well as he did, that the question was never fairly put before the members of the Senate; but he hoped the time was at hand when that learned body might seriously reflect upon the importance of that which then engaged the attention of their Lordships, though they might not have the opportunity of doing so in a collective capacity. He did sincerely wish to see the time, when, by the consent of the Universities themselves, the great grievance now complained of by the Dissenters would be effectually and graciously removed; and the great blot which the present practice occasioned, wiped off from the constitution of the Universities—a blot which no friend of learning, of religion, or of the well-being of the State, could regard otherwise than most detrimental to the true interests of the Universities, and an almost insurmountable barrier to their extensive usefulness and prosperity. As he had already said, and to that he begged especial attention, the question had never been fairly put to the Senate; for the *veto* of the Caput put a chance of that sort beyond hope, inasmuch as every decision come to by those six lords of the articles required perfect unanimity. In future, as in times past, they might expect that no opinion would ever be pronounced by the assembled Senate; and, for the simple reason, that whenever a proposition of that nature was laid before the Caput, there was always found some one dissentient, and, therefore it was, that the question never reached the Senate. For aught, therefore, which their Lordships could know, the great majority of the Senate might be in favour of the prayer of the petition, since the question which it involved could never come into discussion. That, beyond all dispute, was the ground upon which the petition then stood before their Lordships. There were, it was clear, certain difficulties in coming at the real sentiments of the members of the University; that he was not averse from acknowledging; but in what manner the disabilities under which the Dissenters laboured were to be removed—and that they ought to be removed could not be doubted—formed a totally different question. But though there were doubts and difficulties, also, as to the proper mode of removing those disabilities, he had no doubt that the University would seriously and sincerely apply itself to the task of investigating the question, with a view of devising the best mode of overcoming all those difficulties. In his judgment, it would be the greatest of all slanders upon that learned body to suppose them capable of shrinking from the fullest inquiry into their whole system and management—their rights, privileges, and correlative duties. There was not a man, he was sure, in the whole community, who would insinuate a whisper, conveying the idea that they entertained the slightest reluctance to undertake the urgent and imperative duty of meeting the present demands in the spirit which the state of public feeling on the subject required. From such an inquiry he anticipated the happiest results; and he had no doubt that the conversation of that day would have the effect of calling the attention of the University of Cambridge to the fair and just demands of the Dissenters, and to the fitness, the safety, and the expediency of losing no time in turning a careful and scrutinizing eye on the growing importance of that great question.

The Earl of *Durham* adverted to the regret expressed by the noble Duke, on account of the absence of the illustrious Field-marshal, the Chancellor of the University of Cambridge, from whom he might have had some assistance in the present conversation; but it was to be recollected that there was still present another illustrious Field-marshal, the Chancellor of the University of Dublin, to whom the noble Duke might well look for that concurrence and support, of which, in the other instance, some accident, no doubt, had deprived him. The noble Duke certainly regretted the absence of that illustrious personage, but that was not the only misfortune which befel him in the course of his advocacy of that which he was pleased to describe, as the real sentiments of the University. The laws of the University, as the House was well aware, excluded Dissenters from the advantages of degrees with a view to the practice of the lay professions. Now, with the permission of the noble Duke, he would ask him this,—when he was the Commander-in-Chief of that gallant and conquering army which sustained the glory of the British name through so many campaigns, and brought a very doubtful contest to a conclusion full of triumph,—he would ask that noble Duke, whether he thought it was likely he should have brought that war to so glorious a conclusion if he had been compelled, in his selection and employment of officers, to inquire, in the first instance, whether they had subscribed the thirty-nine Articles of the Church? He hoped that their Lordships would not attach any importance to the argument founded upon the assertion, that the effect of the changes which the petitioners sought would be to overwhelm all Corporations. The present petition had been considered as an attack upon Corporations; but he was sure noble Lords would feel, that that was anything but a faithful representation of the matter, for the petitioners did not complain of any act done by the Corporation. But if they had, it would not have been a complaint uttered for the first time, as the history of that, as well as the history of other Universities, fully testified. He would just beg their Lordships' attention to a short extract from Dyer's *Academic Unity*, in which that writer stated, that "The preface to the statutes made in his (Edward 6th's) reign rightly begins with declaring 'that the ancient Statutes are obscure, unintelligible, semi-barbarous; and that others, more intelligible, fashioned more according to the condition of the times, and to the practice of the new learning, became requisite.'" His noble friend had referred to the well-known letter of James 1st; but it should be recollected in all references to that communication, that the first of the Stuarts was a monarch in no wise celebrated for his attachment to liberty. He was adverting briefly to the various topics which had been touched on in the course of the discussion, for it did appear to him a matter of the highest importance that every light should be thrown upon a question of such moment; and for the purpose of letting in that light as effectively as possible, he did not scruple to appeal to the illustrious Duke opposite, to state, as he might be able to do, from his long residence in Germany, whether it were not the case that, in the Universities of that country, there were no religious distinctions or tests whatever, and in no Universities were the sciences, and every branch of learning more successfully cultivated. This was the case even with theology, for the learned Dr. Parr had declared, that he obtained more theological knowledge from a very short study in Germany, than he had acquired during many years in England. When, therefore, all these circumstances were considered, it would be wise for the heads of the University to reflect, whether, the restrictions imposed by them might not ultimately have the effect, in a great measure, of superseding themselves. He perfectly concurred in the gratification expressed by his noble and learned friend on the Woolsack, at the liberal tone of the speech of the noble Baron opposite, who had so ably expressed his opinions in favour of the principle of the measure; and he was equally ready with his noble and learned friend to bear his humble testimony to the toleration and wisdom of the learned and illustrious Prelate from whom the noble Baron had proved himself to be a worthy descendant. That noble Baron, however, was afraid to carry his principles into complete practice, on account of some presumed danger to the Church Establishment. But, he would ask the noble Baron, what possible danger could arise to the Church of England from acceding to the just claims of the Dissenters? It surely was not intended to be insisted on, that the Established Church could not exist unless it was propped up and supported by exclusive privileges. All he, as an advocate and admirer of that Church would ask was, a clear stage and no favour. Indeed, in his opinion, these exclusive privileges inflicted more injury than they conferred benefits on the Establishment, as they permitted those who enjoyed its honours and dignities, to leave to others the performance of those duties which should be exercised by their own personal exertion. From the high eminence on which they were placed, they unfortunately overlooked the efforts of those low, but zealous labourers, who sowed a seed, of which the abundant harvests were now exhibiting themselves, and, by their unremitting exertions, placed themselves in a position so powerful, that that House, even if it had the will, had not the capability to overcome them. It could not be supposed, that if these privileges were refused to the Dissenters, they would still willingly continue to submit to the degradation. It was impossible that any man in his senses could believe they would. No, the contest would still continue; the struggles of the Dissenters to free themselves from degrading disabilities would go on; they would be arrayed against the Established Church in a strife which would never cease until that which justice demanded was acceded to by an enlightened toleration. Concession to the claims of the Dissenters had been founded on an argument, the announcement of which was most impolitic. It had been said, that granting their just claims, doing justice to them, would be incompatible with the safety of the Establishment. He had read this ground of opposition over and over, in pamphlets and newspapers. He would not contend, though he had the impression, that such a ground of opposition had been taken in that House; but he was confident it had been frequently made; and, he would simply ask, was it safe, was it politic, was it advantageous to the Establishment? The noble Duke appeared to think that Dissenters were not as united as they might be—that there were shades of difference in the extent to which they urged their claims; but, all must admit, that they were powerful in wealth, in intelligence, in number, and in activity. Was it policy thus to array such a body, so powerful in appliances, in a contest with the State authorities, and make them hostile to our institutions, civil and religious, by continuing their disabilities? But they were recommended to wait until a proposition for improvement proceeded from other quarters—till the heads of the Church of their own free will, and as the spontaneous result of their liberality—proposed that, of which the Dissenters had now so reasonably and so justly required the concession. He feared that they would wait long if they waited for the operation of reason alone—an apprehension in which he found himself strengthened by the opinion of Archdeacon Paley, in his defence of Bishop Law. It bore with so much force on the present question, that he could not refrain from reading it to their Lordships:—"As the man who attacks a flourishing establishment writes with a halter round his neck, few ever will be found to attempt alterations, but men of more spirit than prudence, of more sincerity than caution, of warm, eager, and impetuous tempers; that, consequently, if we are to wait for improvement till the cool, the calm, the discreet part of mankind begin it, till the Church governors solicit, or Ministers of State propose it, I will venture to pronounce that (without *His* interposition with whom nothing is impossible) we may remain as we are till the renovation of all things." Concurring in that opinion, he conceived the present course adopted by the Dissenters to be most laudable; and he hoped that they would not relax in their exertions, till they had obtained that which would do equal honour to all, the full concession of those rights they demanded.

The Duke of *Cumberland* concurred with the noble Duke near him in everything that he had said that night, and, though he was himself the Chancellor of the University of Dublin, it did not follow that he should maintain the applicability of the laws of that learned body to the government of the English Universities. He lamented as much as the noble Earl opposite, the absence of his illustrious relative—an absence he was sure occasioned by nothing less than sickness.

Petition to lie on the Table.

HOUSE OF COMMONS,

Friday, March 21, 1833.

MINUTES.] Bills. Read a first time:—Spring Quarter Sessions.—Read a third time:—Consolidated Fund; Smuggling Act Amendment Indemnity.

Petitions presented. By Mr. EWART, from Liverpool; and Mr. TOOKE, from Chelmsford, &c.,—for preventing Children being Employed in Sweeping Chimneys.—By Mr. BAINES, from the Hand-Loom Weavers of Tildesley, for Relief, and for a Board of Trade.—By Messrs. PHILPOTTS and BELL, from Hexham, &c.,—for the Better Observance of the Lord's Day.—By Mr. PIGOT, from Albrighton, for the Repeal of the Malt Tax.—By Lord HENNIKER, Captain WINNINGTON, and Messrs. COTES, WILKS, and BAINES, from a Number of Dissenting Congregations for Relief to the Dissenters.

FREE TRADE—LIVERPOOL PETITION—ADJOURNED DEBATE.] The Order of the Day for the adjourned Debate on the Liverpool Petition having been read,

Mr. *O'Reilly* rose to offer a few observations on the very important subject before the House. The argument which he thought had been urged with most force for the continuance of the present system was, that the repeal of the Corn-laws by lessening the means of the agricultural capitalists, would have the effect of limiting his power to give employment to the same number of labourers as he employed at present. The produce of the land of Ireland had been quadrupled in value by the labour of the people, and not by the expenditure of money capital, within these forty years. The same effect would follow in England if the large farms were broken up, which they would be if it ceased to be the interest of large capitalists to hold large tracts of land. Let the Corn-laws be repealed, and there would be plenty of employment for agricultural labourers by the breaking up of large farms. It was the desire to consolidate farms which occasioned the destruction of life and property so much to be lamented in Ireland. There were no Poor-laws in that country; so that when the poor peasant was turned out of the little farm which had yielded him and his family subsistence, the unhappy man only thought of taking what he considered a just vengeance on his oppressors. Another argument which had been urged against the repeal of the Corn-laws was, that the capital already employed in the manufacture of land would be left unprotected; but he would ask hon. Gentlemen who argued in this way was this capital at present protected? Did the Corn-law ensure such a price to the cultivator of land as could be considered a protection? But it was said, that we were in a state of transition, and that things would yet improve. Why we had been in this state of transition for the last seventeen years, and yet this promised improvement had not taken place. The price of corn had been declining year after year, slowly he was free to admit, but yet it was gradually and speedily diminishing, and still the farmers were told that, although the preceding year had not been so productive, yet that the next would compensate them for their losses. This was the language used by the landlords, who affected to despise the argument of political economists. The decline in the price of corn could not be attributed to the influx of foreign corn, because none had been admitted within the last three years; neither could it be attributed to the non-employment of the manufacturers, because never was there a period when this class of the community were more fully employed than at present. There was, then, a sufficient home demand. To what, then, was to be attributed the low price of corn? The fact was, that the protection afforded to corn, instead of benefiting the agricultural labourer, was positively injurious to him. This view of the case would be borne out by a reference to Ireland. He was about to refer to the protection afforded to the linen trade in Ireland. That trade was carried on to a great extent, and flourished in Ireland, but not in large towns, or through the medium of large manufactories. It flourished in the hands of men who were partly agriculturists and partly manufacturers. They first sowed the flax, they then pulled it, and subsequently with their own hands manufactured it. These men, then, called for protection from the Irish Parliament, and they received it. Their trade was especially protected, because it was the staple trade of the north of Ireland, which was considered the most civilized because it was the most Protestant part of that country, and was therefore looked upon as the link between England and Ireland. But the consequence of protection was the destruction of the trade, and the linen-weaver was driven to seek employment in England and Scotland, where the importation of foreign yarn was not prohibited. At length the protection was removed, free trade was established, and the manufacture of linen cloth was revived. As soon as the importation of foreign yarn was permitted, that trade received so great a stimulus that it became profitable to sow flax where, five or six years before, corn and potatoes were grown. So that it had been found that the moment the linen-trade was relieved from all restriction, it had returned again to the place from which it had previously departed, and was now likely to prove prosperous as before. The plain deduction from all this was, that those restrictions called "protective" were no protection at all; but, on the contrary, a great injury to every interest, and especially to the agricultural. Besides, they never did, and never would, support a remunerative price for corn; and they were, moreover, fatal to the best interests of the country in all its social relations. The last argument he should touch on was one on which the supporters of the Corn-law restrictions mainly relied. This was the supposition that to take away the inducements which agriculturists had to grow corn, which would be the effect of a repeal of the restrictive laws on the importation of corn, would be to make this country entirely dependent for a supply of the prime necessary of life upon foreign countries. Nothing could be more preposterous than this. That a great manufacturing country like England could ever be independent of foreign countries was not to be thought of; at least that she should not be able always to command a sufficient supply. What was the situation of the country at present? Had the quantity of corn increased? He held that it had not, and as a proof he would only adduce one fact, that when wheat brought 120*s.* the quarter, as much of it was grown as had been since it varied from 48*s.* to 50*s.* per quarter. It had been proved by the failure of the joint-stock companies started a few years back, that such large bodies could not compete with the private trader. Neither could a large farmer, employing the labour of others for wages, compete with the man who tilled a small farm himself with the assistance of his family. This was established by the experience of Ireland, where land let in small portions always yielded the landlord more than that let in large farms. For his own part he had no interest that was not bound up in the prosperity of the land, but he thought the landed interest mistaken in supposing, that they derived any advantage from the present protection, as it was called. That protection was really injurious both to the agricultural labourers and to the landed proprietors.

Mr. *Cobbett* rose to expose a few of the grave mistakes which Gentlemen fell into when talking upon this subject. The hon. member for Lambeth had on a former day referred to America as illustrating the blessings of free trade. He said, that if we took American corn they would take our manufactures; but let them see the example which America had set them. In that free country, where Congress really represented the bulk of the people, a duty of twenty-five per cent was imposed on the Winchester bushel of wheat. Now twenty-five cents. was one quarter of the price of wheat in America. Indeed he had rarely known wheat continue long at a dollar per Winchester bushel. Fifteen cents was the duty imposed on oats, which, as the oats there were very bad, except when raised from English seed, was one-half of their price. They went further than this, however, for they imposed a protecting duty on seeds, which seeds they could not do without. The duty on seeds of all sorts was twenty-five per cent *ad valorem,* including flax and hemp seed, as also flax and hemp themselves. The duty upon cheese was, in English money, as much as 3½*d.* per lb.; and on butter he believed, but he spoke only from memory, it was about 4½*d.* per lb. On bacon and hams the duty was 3*d.* per lb., on pork 1*d.*, and on wool fifty per cent *ad valorem.* Now, this free Government of America, which, it was admitted, consulted the real interest of the whole community, imposed a duty of fifty per cent on foreign wool; and not a word of complaint was heard from any party against that protecting duty. Why, therefore, was all this outcry about the duties which were enforced in this country for the protection of the land, and which, after all, was no protection at all? The facts which he had stated ought to be known to the right hon. member for Manchester, and to the right hon. Secretary to the Treasury, and the latter Gentleman ought to be in his place to explain or refute them. A little publication called *The Quarten Loaf,* had been put into his hands as he came down to the House, and he believed that it had also been put into the hands of every other Member. At the head of this paper was a picture or ornament having as gross a falsehood as ever was invented annexed to it. There was a picture of a quartern loaf, and on it was inscribed, "Flour and baking 4*d.*; landlord's tax, 4½*d.*; Total 8½*d.*" Now, he denied, that there was any truth in the assertion that the landlords had a clear profit of 4½*d.* out of them. The fact was, that for rent and cultivation, the landlord, the farmer, and the labourer, had no more than that 4½*d.* divided between the whole of them. The rest was—what? Why the rest was added by the miller and baker. He did not charge the bakers with extortion; nothing like it. Look to the year 1792. What did the four-pound loaf cost then? Why, 6*d.* It was now 8½*d.* Why? Because we had the fundholder to pay. Had we then the Malt-tax, or the Window-tax? No; in 1792 we had only 13,000,000*l.* of taxes; now we had 50,000,000*l.*, or nearly. So that the landlord and farmer had nothing whatever to do with the increase in the price of bread. If the petitioners were rational persons, they would not have asked for cheap bread; they would have asked for a reduction of those taxes that caused the bread to be so high. Cheap corn! Why, they had it. An hon. member from Scotland told him the other night, that they could have in Scotland the best flour at 27*s.* the sack. This, however, he knew, that they could get wheat from Ireland of the very best quality yielding sixty pounds of flour, to the bushel, at 35*s.* the quarter. Corn was not so cheap in 1792, or ten years previous, as it was now. He did not know but he ought to vote for the repeal of the Corn-laws, upon account of their foolishness, their utter absurdity, and inefficiency. He explained all these things to his constituents, who were just as fond of a cheap loaf as the people of Liverpool, or any other place. He said to them, "Don't go to the landlords to ask for cheap bread, because they cannot give it you. Go to the Government, and tell them to take off the taxes, that the baker may be enabled to give you cheap bread." This was the language he addressed to his constituents. He recollected perfectly well when this Corn Bill was first brought forward he gave it his most strenuous opposition, not because he objected to the principle of the Bill, but solely because he conceived it would be wholly inoperative—that it would not in fact enable the farmer to get 10*s.* a bushel for his wheat. In 1822 wheat was down so low as 46*s.* a quarter, although there was not a handful of wheat imported for three years before. Therefore it was quite clear that this Corn-law was no protection to the farmer. He would, therefore, as he said before, be almost disposed to vote for the abolition of this law on account of its inefficiency. To be sure the repeal of the Corn-law would be attended with great injury for a time, but it would have some good effects; it would compel the landlords to hold their purse-string tighter, and might prevent them from sending their surplus rent abroad.

Mr. *Lambert* agreed with the hon. member for Oldham, that the Corn-laws did not afford a sufficient protection to the agricultural interest. It appeared also to him that those who advocated free trade and the removal of all sorts of restrictions in that House confined themselves to abstract theories, with the most magnanimous disregard of practice or precedent. He would ask the advocates of the system of free trade, was it on that the prosperity of England was founded? No person would have the hardihood to answer in the affirmative. The prosperity of England had been founded on a system of commercial laws mainly restrictive. These were he admitted now-a-days considered defective; yet England had arisen to undoubted prosperity under them. But the free-trade theorists, in reference to the decaying state of the country since the restriction on commerce had been removed, would no doubt say, "If it be not prosperous, it ought to be so." And to those who suffered by the change, they would say, "Console yourselves, you ought to be prosperous." That was very poor consolation, and not at all that with which he would be satisfied. He did not like such consolation. The perseverance in these theories would, he was convinced, have the effect of causing a continuous bankruptcy of the national resources, and the reducing of this great country to the condition of a third or fourth rate political power in the scale of European nations. He did not consider the present Corn-laws a sufficient protection to the agriculturists. He had voted for them because they were the last bulwarks between the country and a social convulsion. It might be said out of doors, by those who had nothing to lose, but much to gain, "If convulsion be necessary, let it come: why struggle to avert it?" To this, however, he would answer, "It is not necessary, in the first instance; and, in the second, I have some property left to lose, which I am not at all anxious should pass out of my hands yet awhile." There was a subject to which he would advert briefly; that was the evidence taken by the Committee on Agriculture last year. In that evidence, Mr. Jacob, than whom there could be no higher authority, had stated that if there were such another harvest as that of 1816, there would not be corn for the people of this country in all Europe. He (Mr. Lambert) knew perfectly well, that the theory of cheap bread was a very attractive one to the multitude; but he denied, that cheap bread, unless the means to purchase it were also given, would be a boon to the poorer portion of the community. But the removal of restrictions on trade would have the effect of reducing wages commensurate with the reduction of the price of corn; and consequently the poor man could not then purchase the same amount of bread at a proportionate share of his wages as he did before these restrictions were removed. He therefore would much rather have the quartern loaf 2*s.* while the labourer had 6*s.* per day, than 6*d.* when the labourer had not sixpence in his pocket wherewith to purchase it. There were measures at work which, if not counteracted, he asserted, would end in the destruction of the country. One of these was the currency alteration. He was fully convinced that it was quite sufficient to point at any one in that House, and say, "That is a currency man," to have him marked out for general odium: but he (Mr. Lambert) would not shrink from denouncing that measure as one of the most unjust, impolitic, and profligate pieces of legislation ever achieved. He attributed to it all the evil consequences which had flowed, and were likely to flow, to the total destruction of this great country. He wanted a just and satisfactory measure to arrest the progress of ruin. In calling for such a measure he would not allow himself to be told that he looked for public plunder. His property had been taken from him to the amount of fifty per cent, and the measure by which that spoliation was effected was as dishonest a transfer of property as one effected on the highway at midnight, and designated a robbery.

Mr. *Harvey:* More wholesome, though not in all things palatable, truths, have been uttered in the debates of the last three mornings, as to the real state of the country, than fell from hon. Members, when this subject was recently before the House, two of whom consumed five hours in propounding their conflicting nostrums. If I were called upon to define the meaning of a deliberative assembly, such as I have now the honour to address, I should say, it means "a body of men who decide without reason, and reflect afterwards." It would seem, that senators are of the feline breed—it is a long time before their eyes are opened, and things can be clearly discerned. We only appear just to have stumbled upon matters with which the public out of doors have long been familiar. We might continue to delude ourselves a little longer, but the time to delude the people has passed away. It is, indeed, admitted, that some difficulties exist; but they partake more of the character of inconvenience than of positive evil. Of this tone of feeling, was the King's speech. Manufacturers were congratulated upon a state of prosperity, which no one, except wealthy capitalists, like the hon. member for Ipswich (Mr. Morrison) could discover, while the agriculturists were expected to be abundantly satisfied and gratified with the assurance that the royal mind was deeply afflicted by their privations; at the same time, his Majesty's Ministers gravely told the farmers, they had no other comfort to offer them. But my chief object in rising is to revert to a numerous class of persons who seem to be entirely overlooked. We abound in champions of free trade, and corn monopoly—but not a word is uttered as to the national creditor except here and there a startling sound is heard, which, if carried out to its consequences, would instantly occasion a fall in the funds of at least twenty per cent. Much has been said about the land, but not one word about the two hundred and eighty thousand persons who are the creditors of the country, and are constantly receiving their half-yearly dividends at the Bank. Some gentlemen have talked of the burthen of the debt, and others have alluded to the private incumbrances of the landowners. But, with respect to the latter, those who have mortgages on their estates, as they received the money when the mortgage was made, it is rather strange, to say the least of it, for them to complain that they are doubled taxed in having to pay both principal and interest. As regards the public debt, I must say the landed interest are beginning to be somewhat ungrateful, particularly in my own county. It has been my lot occasionally to address large assemblies in the county of Essex, where I have endeavoured to explain the real state and condition of the country. But I have always been met by the charge of ingratitude. I have been reminded that though the debt is great, and the interest inconvenient, yet that the sum of 800,000,000*l.* and the annual payment of 30,000,000*l.*, are of little moment compared to the mighty benefits which that outlay has secured—a splendid Church establishment, and an invaluable system of civil government—and what can we want more?—a Church abounding in religion, and a State overflowing with revenue; yet, in the midst of so much delight, there is much of delusion. We have been repeatedly assured, during this discussion, that the interests of the landlords and the tenants are identical—that they are one and the same person—both committed to the same boat, and must sink or swim together; and, moreover, the farmers have been assured, in all sincerity, that rent has very little to do with their inconveniences. Now, both these positions I venture humbly to deny. It has been said by some hon. Gentlemen, and by the hon. member for Oldham among the rest, that rent is of little consequence to the farmer; that lessening its amount will be no relief; that when a farmer takes two hundred acres of land, and calculates his outgoings upon it, rent is an item of which he makes little account. It is singular to observe how successful the landowners has been in inculcating this doctrine upon the farmers who, when spoken to upon the subject, repeating this lesson admirably, say, "Oh, sir, if we were to pay no rent at all it would be no relief." Let them now see the amount of absurdity in this argument. The agricultural mind is intent at the present moment upon the relief which a modification of the Poor laws will afford. The outside amount of this burthen upon the land is 6,000,000*l.*

a-year, which, if abolished to-morrow, would recoil upon the farmer to the extent of one-half at least, in the shape of increased wages. But, presuming it to be otherwise, and that the farmer would reap the full benefit of the relief to the extent of 6,000,000*l.*, would he not feel its effect in the increased rent he would be called upon to pay? Is not a tithe free farm worth all the difference between the amount of the tithe and no tithe at all? But concede if you will, that no advance is made in rent—in what way, I ask, can the repeal of the Poor-rate assist the farmer more effectually than a remission of rent? Each is a money payment, and whether it goes into the belly of the pauper, or the pocket of the landlord, it must be much about the same thing to him who pays. If the repeal of the Poor-rate of 6,000,000*l.* is to work such wonders, I will ask whether a repeal of half the rents, which now exceed 30,000,000*l.*, will not work greater? I do not adduce this fact to show that rents ought to be done away with as well as Poor-rates, but to show the absurdity of the assertion, that the amount of rent is of no consequence to the farmer. No mistake can be greater than to suppose that the interests of the tenants and the landlords are the same, for they are diametrically opposed to each other. The landlords have had their day of prosperity—their Pitt and Church and State system; but the day of retribution is now at hand. It is idle for them, now that they are called upon to pay, to say, that if they suffer, the fundholder will not be paid. If the landowners were all swept away to morrow, it would be nothing to the fundholders unless they could carry the land with them. Let them not receive a farthing of rent, the fundholder, the creditor of the country, who has lent the country money in its time of need, will not be the worse off. Every acre of land in this kingdom, everything above and below it, the mines, the forests, are mortgaged to the public creditor; and when the landowner can no longer pay the interest of the mortgage, the fundowner will be in the position of a private mortgagee; he will walk in, and the landlord walk out. I repeat, that every acre of land in this country is mortgaged to the fundholder, and to that, as a Liberal, or Radical, I would keep the landlords. The radicals are constantly taunted with wanting to rob the fundholder, to shrink from the payment of that debt, which was contracted with their eyes open for what the gentlemen on the opposite side contended were great national advantages; but I am not one of those, and am prepared to maintain, that when it shall appear that the interest of the debt can not be paid — that the 30,000,000*l.* a-year can not be paid—they must let those who advanced the principal money into possession, unless they can do what it is for them to propose, and which I think it would be wise in the fundholders to accept, viz. come to an equitable adjustment. Gentlemen seem to startle with horror at the bare idea of national insolvency; but did none of them ever hear of private insolvency? My professional experience has supplied many instances, and I have often smiled at the shifts and vagaries which the pride of debtors suggest; but reflection soon tells them that a speedy settlement is the most satisfactory, and I appeal to the merchants and tradesmen around me, whether, in these days of declining business, a dividend of 10*s.* in the pound is not considered a very handsome composition? To be sure it would be a motley and mighty meeting to see 280,000 dowagers and housemaids, peers and benefit societies, men and minors, of all ages and countries, brought together to take into consideration the amount of a great National Debt. I should like to be present to watch the faces of the opposite parties. I wonder who would first break silence. However, this and all such matters will be easily arranged. At present the suggestion is novel—but these discussions will work marvellously. They will have the effect of opening the eyes of the people to their true condition. It is impossible to prescribe with effect until we are acquainted with the origin, as well as character, of the disease. At present the people feel as some of my country-folks feel who live in the marshy regions of Essex—low spirits—shaking limbs—something that is indescribably oppressive—some call it ague—others intermittent: and all sorts of quackery are suggested, in which nothing appears certain but death. But we must go to work with cool heads and fixed resolution, and then, take my word for it, this fine country may yet be prosperous and happy. But, before all things, we must throw away delusion: there has been too much of that. Tenants must be made to understand their own real interests, and not be hood-winked at the tables and in the halls of their landlords. It has been insinuated that landlords are a race of men peculiarly tardy in their intellects. I do not think so—no men better understand their own interests, or pursue them with more success. Let us trace their history. In 1814, the landlords and tenants both agreed that a remunerating price was indispensable, and as this could only be obtained through an Act of Parliament, that measure was obtained, and 80*s*. a quarter was the protecting price. Here the delusion began. The farmers thought that a clause meant corn—that an enactment meant price—as if consumers could pay without means—as if a law and its realization were the same thing. Well, with the Act of Parliament in their hands, the farmers did not find 20*l*. a load in their pockets, and some of them, bolder than the rest, said as much at the great rent-audit. The landlords or their agents rebuked them for their impatience, in expecting that an Act of Parliament could work wonders in one year; seasons and the grub had something to do with it; yet with patience, and under Providence, the thing would work well. And by way of quieting their fears, and above all to generate a spirit of independence, the landlords tossed them back 10*l*. per cent of their rents, with the gratifying assurance that the times would mend. The next year arrived without the promised blessings, and 5*l*. per cent was returned, which, making 15*l*. per cent, it formed a very pretty paragraph of lordly munificence in the provincial journals. At the same time the kind-hearted yeomanry were assured the thing would have been better but for the unprincipled clamour of the Reformers, who were throwing every thing into disorder, and who had the daring to talk of the corruption of the Church—to denounce tithes as a nuisance, and even to propose the abolition of pensions and sinecures. While the farmers were thus deluded, the landlords were chuckling, and squeezing the last shilling of the impoverished tenantry. I believe, that the landlords understood the state of things very well; but it would not do for them—for men who could look back upon a long line of ancestors—to make the first movement. They must get humble men like myself to be their pioneers—to grope the way for them—to be their feelers. They left it to men like me to tell the world that something must be done. In fact, the thing can not be denied, that the aristocracy of this country are destined to be saved by the Radicals in the House of Commons. It so happened, on the other night, I voted for an inquiry into the present Corn-laws, which is the first vote I ever gave on that subject, because, though my views upon this subject have ever been the same, I could not conceal from myself the peculiar relation in which my constituents stand to this great subject. Colchester is the metropolis of a large district of country, peculiarly agricultural. The farmers feel, and justly, that with the present amount of burthens—among which I will maintain rent is the heaviest—that they cannot compete with the foreign grower—while the tradesmen feel, that if the farmers, who are their customers, have no money, they must stand in their shops, full indeed of goods, but empty of buyers. Free trade to them, unaccompanied by suitable arrangements, must be their destruction. All farmers under covenant must have the option of vacating their leases. But of this both farmers and tradesmen may be assured, that things cannot go on as they are—without substantial relief, their little properties will melt away—farmers will become labourers—labourers will become paupers—paupers must become criminals. However, I am glad to see that the eyes of the people are open. A meeting has been lately held in the county of Suffolk, for petitioning against any alteration in the Corn-laws. This meeting was attended by the aristocracy of the county, and persons of all classes agreed to merge their political differences to promote their common object. A shoemaker from Ipswich, however, moved the adjournment of the meeting, and the entire aristocracy of the great county of Suffolk dispersed at the beck of the shoemaker. Before I sit down, I may be allowed to say a few words as to the landlords, and the effects of a free trade upon them. For the man of moderate income—those whose estates vary from 500*l*. to 2,000*l*.—great suffering is at hand, especially where the income is largely anticipated by incumbrances; but the men of mighty incomes—those who have 100,000*l*. a-year—will be able to weather the storm, if they can condescend to live upon half that amount. Men must adapt themselves to events which their madness has made inevitable. It is of no use to deny it. The lords of the soil have had their day. For more than thirty years they triumphed over and trampled upon every body, and every thing, and they must be prepared for that day of retribution, which, in this world, as well as the next, awaits him who does wrong. In my humble judgment, the reckoning is not distant.

Mr. *Baines* was surprised to hear the hon. member for Oldham say, that the Corn-laws had not been of any benefit to the agriculturists; if so, they ought to be wiped from the Statute-book, for assuredly they were of no use to any body else. The right hon. member for Tamworth certainly made a most able speech on this subject; but although he admired the right hon. Baronet's speech, he could not arrive at his conclusions. An hon. Baronet, the member for Shoreham (Sir C. Burrell), said, that the debate ought to have concluded at the end of the right hon. Baronet's speech. No doubt the hon. Baronet thought so, but it would not have been well for the ends of truth and justice that the debate should have ended there. The right hon. Baronet said, that in discussing this question, they ought not to lose sight of Ireland. In this statement he agreed, for his opinion was, that the more consideration was given to Ireland the more likely were they to make this country happy and prosperous. The right hon. Baronet observed, that a free trade in corn would be utterly ruinous to this country. His opinion was exactly the reverse of that. Previous to the establishment of the Corn-laws, the landlords and farmers were comfortable and happy, and now they were in comparative distress. What gave prosperity at one period was calculated to give it, at least in a degree, at another. He admitted, that the debt had been increased since the imposition of the Corn-laws; and it might be said to be a drag on the prosperity of the country; but a very large proportion of that debt had existed in 1810, previous to the passing of the present Corn-laws, and yet the country, particularly the agricultural portion of it, was then prosperous. The agricultural depression at the present period was unexampled; and yet the corn-trade of the country had been cumbered with protection laws since 1815. With respect to the debt itself, he was not in favour of any equitable adjustment of the claims of the State creditors. As the debt had been contracted, it ought to be paid; and he was sorry to hear any doubts expressed on the subject by any hon. Member of that House. No man could be more averse than he had been to contracting that debt —no man could be more opposed at the time to the causes which led to it; but now no man would more strenuously oppose any undue or improper interference with it than he would. He would repeat, as the debt had been contracted, so should it be honourably and fully discharged; and he would resist to the last any attempt to interfere between the State creditor and the payment of his just demands. Another of the arguments of the right hon. Baronet opposite, which had been well replied to by the hon. member for Oldham, was, that in other articles as well as corn, departure had been made from the principles of free trade. He admitted that. But, because we had done wrong in some instances, and in some descriptions of merchandise, were we to do so in all? The argument was good no further than that, and therefore it was not good at all. He was sorry that the hon. member for Oldham had adduced the example of America, and held it up for the imitation of England. Was it because America did so, we should do so? Should not England be the example held up to America — the example which America should follow rather than the contrary, as he was surprised to hear the hon. member for Oldham assert? It was impossible to expect prosperity in the country until a metallic currency and free trade were fully and firmly established. The principles of free trade were the principles of sound legislation, though he did not assert that we ought to begin with corn, and we ought to encourage every nation to trade with us by receiving their commodities on such terms as would be mutually beneficial.

Sir *John Tyrell* thought it an unfair statement of the case to represent the agriculturists as enjoying an exclusive protection. The fact was, that they were by no means as much protected as the manufacturers. The right hon. member for Tamworth read yesterday a numerous list of articles which were taxed from twenty-five to fifty per cent for the protection of the manufacturers. When the latter, therefore, came to the House to complain of the protection given to the agriculturists, they ought to come with "clean hands." If the protection were to be taken away from the land, it ought not to be continued to manufacturers; and he believed that, if both were exposed alike to foreign competition, the capital of the manufacturer would be swept away, whilst the agriculturist would outlive the struggle, and his property be as fixed and endurable as the oaks which were planted by his ancestors. He was glad, that the hon. member for Leeds did not agree to what was called an equitable adjustment, but what he called an iniquitous appropriation. The hon. and learned member for Colchester had perhaps stated correctly what had occurred at the meeting in Suffolk. But he remembered a meeting in the county of Essex where the Whigs and Tories were assembled to consider their common grievances, and where the hon. and learned Member, with that talent which always distinguished him, succeeded in misleading the multitude, persuading them that all their distress was attributable to tithes and the Church. He did not think, that Gentlemen met the question in the most satisfactory way, when they argued about the currency, the poor-rate, tithes, and the national debt. It would be much better to bring the question before the House in a distinct and definite shape, than to raise a desultory discussion upon the presentation of petitions. He would say, in conclusion, that the principal part of his income was derived not from land but from houses, and the greatest relief that could be given to him was the repeal of the House-tax; but he felt it to be his interest, in common with the rest of the nation to protect the agriculturists.

Lord *Henniker* rose to correct an error into which the hon. and learned member for Colchester had fallen. The meeting in Suffolk was not adjourned in the manner which that Gentleman had represented. A petition, not against the Corn-laws, but praying for relief to the agriculturist, was seconded by the very respectable person to whom the hon. member for Colchester had alluded, who certainly was a shoemaker, and was carried unanimously.

Mr. *Pease* had the most unshaken belief, that no amount of duty would serve as an adequate protection to the agriculturists. There was a power in other countries to inundate England with corn at prices which had never yet been boldly stated in that House. There was a great confusion of opinion out of doors upon this subject; but he believed, that the discussion which had taken place the last two days, had done a great deal to correct the errors which prevailed. He was quite certain that the constituency which he represented, and which was as much interested as any other in the kingdom in the cheapness of corn, was satisfied that if the incomes of the landlords and farmers were reduced, they themselves would have empty shops, as well as the people of Colchester. They all agreed with him as to the necessity of protecting the agriculturists, and they all knew that corn could not be sold cheap unless it were grown cheap. If he were to agree to the abolition of the Corn-laws he must be content to see a great quantity of land in his neighbourhood go out of cultivation. In what state, then, would the manufacturers be if the agricultural labourers were thrown upon them for support? He was a manufacturer, and he could truly say, that the manufacturers did not want an increase of hands. Why, they were constantly inventing machinery to reduce manual labour; and how could it be expected that manufacturers should be anxious for more hands? He would conclude by stating, that he was satisfied that the destruction of the landed interest was going on with the greatest certainty that its most bitter enemy could wish: and if the slight protection which it yet enjoyed were withdrawn, that interest would be ruined, and the Constitution overthrown.

Mr. *John Maxwell* said, that no argument which the hon. Gentleman could adduce would satisfy the people that a monopoly should be upheld for the benefit of one class to the injury of another. He hoped, therefore, that his Majesty's Ministers would make some alteration in the present system. He did not call upon them to repeal the Corn-law, but he did call upon them to try the experiment of a fixed duty upon some one description of corn—barley, for instance. Let them do this, and watch the effect it would produce; then, and then only, could they be able to arrive at anything like a correct view of this important question. The hon. member for Colchester had taunted the landlords with a desire to break faith with the public creditor. For his part he did not think this a question between the landholder and the fundholder, but it was a question between the fundholder and the people of England, between the fundholder and his poor constituents, who were working for 10*d*. a-day. He should be opposed to the public creditor so long as justice was not rendered to the public debtor.

Mr. *Thomas Attwood* said, that Locke had long ago pointed out the evils of a contraction of the currency. He compared a nation suffering under such a contraction to five children lying in a bed. No sooner did one little fellow pull the clothes than he uncovered another; and so they went on squabbling till their father enlarged their covering. That was the state of this country at present; the farming interest was calling out for a free trade in goods, and the manufacturing interest for a free trade in corn; but if they were to have all these things without a change in the Money-laws, it would only be giving up the land, the manufactures, the capital, the industry of the country, into the hands of the monied interest. It was the monopoly of the monied interest which had scattered so much ruin amongst the agricultural, commercial, and manufacturing classes of the country; but the day was approaching when that system would fall under the pressure of the ruin it caused. It was the interest of all these classes to unite for their common security against the common enemy. He would remind the House of the fable of the lion and the bulls. Three bulls grazed in rich pastures; they were fat, sleek, and rich, and the lion felt anxious to devour them; but whilst they remained united they were powerful, and the lion durst not approach them. The lion called to his aid the fox (a cunning little fund-holder), and he went amongst the bulls and sowed dissension and distrust amongst them, so that each looked upon the other with suspicion. They separated, and each retired into a different corner of the field, remote from each other, until the lion came upon them thus weakened, and at his mercy, and devoured them at his leisure. It was the combination of monopolists that produced those evils which the country was now suffering. They had made a grand mistake in the Bullion Report of 1810, and they had obstinately persevered in endeavouring to prop up that mistake ever since. It was this system that affected all classes of the country, and from which all but the monopolists were suffering. A great many of the monied interest were always ready to do anything which would break down the landed interest. Both had a morbid pleasure in the degradation of each other. The manufacturers and merchants he knew entertained that feeling; they felt a delight at the degradation and want of prosperity among the agricultural interest; and he believed the landed interest was not at all behind hand in reciprocating the feeling. He attributed the passing of the present system of Money-laws in 1819 to two causes; first, the selfishness of certain individuals; and, secondly, the wish of the monied and mercantile interests to degrade the landed interest. With respect to the Corn-laws and free trade, the hon. member for Liverpool would forgive him for saying that he was surprised and sorry to see among the many petitions on these subjects sent forward by the Gentlemen of that borough, none for breaking down the monopoly of money, the monopoly of taxes, rents, pensions, mortgages, &c. If monopoly was to be broken down in one case it should be broken down in all, for the very circumstance of its being so broken down was an assertion of the principle of its inutility and injuriousness to the community. If the land in this country were to be brought down to the continental level, so also should all other contingent sources of expense to the country. He was certainly of opinion that the Corn-laws should be abolished, and he should support the abolition for two or three reasons. They were inefficient for the protection of the agriculturist, and injurious to the country; but his principal reason he should confess was, that he believed them to be co-existent with the Monetary-laws, and consequently that the destruction of one necessarily involved that of the other. The cause of the Corn-laws lay deep in the Money-laws. In 1815, when there appeared at the peace a very great prospect of a decline of prices in all agricultural products, certain individuals having an interest in the continuance of things as they then were said to themselves, "How shall we keep up prices at their present rate? The taxes protect our dividends in the funds, how shall we protect our rents?" The consequence of their consultation was the Corn-laws; a measure which created a general state of starvation throughout the country, that a few rich landholders might continue to receive the same amount of revenue as they enjoyed before. He should have thought the proper way of keeping up remunerating prices was by increasing consumption. Gentlemen must remember there were two ways of keeping up prices; one was by diminishing production, and the other by increasing consumption. Doing the latter, increased the comforts and gratifications of the mass of the people, and allowed them to multiply indefinitely; but to cause a rise of prices by means of an artificial famine was only to scatter misery and discord through the nation, at the same time it dug the ground from under its own feet. But although the people might be stinted in their food by the Corn-laws, the latter would not keep up prices unless they were accompanied by a law to compel gold and silver to come to this country, and afterwards another law to compel them to remain. If he were a landowner, he should wish to get rid of the Corn-laws as fast as he could.

They hurt the landlords; but they had been the ruin of hundreds of thousands of farmers who had trusted in them, and the same delusion was still going on, as far as could be judged from the agricultural associations formed in different parts of the country to keep up prices. All the Corn-laws in the world would not bring gold in this country nor keep it here so long as a premium was given for gold to be kept out of the country. He wished the Corn-laws to be abolished, because the consequence would be the abolition of the Money-laws, and thus new prices would be obtained by the landlord, the farmer, and the agricultural labourer; and, what was of more importance, full and complete labour would be given to all classes of persons. An hon. Member said, that they should be content to pay their just debts. He had no objection to this, but he objected to their paying three times the amount of their debts, as they were now doing. They were now giving three bushels of corn instead of one, and three yards of Manchester goods where they ought only to give one. He wanted an honest debt. But he was told that they had contracted to pay this debt in the present standard of value. This he most unequivocally denied, and he had on former occasions, by referring to the various Acts of Parliament on the subject, proved this argument unjust. Lord Liverpool, in bringing in the Bill on this subject, said, that it was a matter of national convenience; but the fact was, that the passing of the Bill led the country to its own destruction.

Mr. *Ewart*, in reply, said, he would promise two things—first, that he would not speak five minutes; next, that he would confine himself closely to the point. He must begin by thanking the right hon. Baronet (Sir Robert Peel) for having virtually supported the petition from Liverpool. The whole tendency of the right hon. Baronet's arguments merely went to show that other monopolists existed, as well as landed monopolists. He had proved, not that they were not monopolists, but that they were not the only monopolists. The Liverpool Petition prayed for relief from monopolists generally, as well as for especial relief from a monopoly of the supply of food. The general principle, therefore, of the right hon. Baronet's speech was favourable to the case of the petitioners rather than to the landed interest. But besides, he apprehended that the right hon. Baronet had erred in detail. In the table of duties to which the right hon. Baronet referred, the number of items was 1,149. Of these about 800 were for food and raw materials, intended either for purposes of revenue, or for the protection of the landed interest. Of the 349 remaining items, fifty-eight were for distinct manufactured articles (the rest being varying duties on the same kind of article.) Of these fifty-eight items, the greater part were not protections of British industry. In the staple articles of cotton, wool, silk, and iron, we wanted no protection. The rest might be consolidated in one term, which he (Mr. Ewart) would borrow from the right hon. Baronet, and call "the walking-stick interests." The hon. member for Beverley had said, "By altering the Corn-law you will not diminish our burthens, you only shift them." The advocates of repeal answered, "We may not lessen your burthen, but we may increase your power of bearing it; we may not at once reduce your debt, but we may better enable you to pay it!" With respect to the other arguments advanced on behalf (as it was erroneously said) of the landed interest, he (Mr. Ewart) would adopt a quotation already made on the other side, and say, "The land has bubbles, as the water has, and these are of them."

Mr. *Walker* would not delay the House for more than two minutes; the question had been so fully discussed he would not touch on its merits; he merely rose as an Irish Member, fully persuaded that a repeal of the Corn-laws, without a corresponding remodelling of all the other interests in this kingdom, must bring certain destruction on Ireland; and he also believed on the landed interest of England. Many of the supporters of this measure admitted that all men of moderate fortune must be annihilated by it; that none but the overgrown proprietors could stand it; and that it must be accompanied by a cancelling of all existing contracts between landlord and tenant. Were Members really prepared to agree with that proposition? He was anxious to state the reason so few Irish Members had taken part in this debate. It was not owing to their not taking a deep interest in the question; it was solely caused by their being unavoidably absent, attending their several assizes; and he could assure the House that the majority of the Irish Members, and the majority of the Irish people, felt that the repeal of those laws, under present circumstances, must destroy their only means of existence, the agricultural interest of Ireland.

Petition laid on the Table.

SUPPLY—ORDNANCE ESTIMATES.] The House went into a Committee of Supply.

Colonel *Maberly*, in rising to bring forward the Ordnance Estimates, was happy to state, that he had been able to effect reductions even beyond the most sanguine expectations which in the last Session he had expressed to the House. The apparent saving, as compared with the Estimates of last year, on the sum to be expended, was 257,000*l.*, and on the sum to be voted the apparent saving was 295,000*l.* He said apparent saving, because a part of it consisted of a transfer to the Army Estimates amounting to 175,000*l.* The real saving on the sum to be expended was 82,000*l.*, and that on the sum to be voted 120,000*l.* He believed that this would be deemed satisfactory by the House, when they took into consideration all that had been previously done. In the Ordnance Estimates of 1829, as compared with those of 1820, there was a reduction of 600,000*l.* The saving effected in this department by the previous Government was 370,000*l.*; and, from 1830, when the present Government entered office, there was a still further reduction of 335,000*l.*, notwithstanding the pruning adopted by their predecessors. The first point he would refer to was the Irish survey. The Estimate for this survey had been formed on insufficient data, and the consequence was, that the vote for effecting it was now exhausted. It was, however, the opinion of his Majesty's Government that the survey ought to be proceeded in. Indeed he did not see how this could be avoided, because Government had almost pledged itself to the Irish Members that the survey should be completed. Without a breach of faith, therefore, it could not be relinquished, and an additional vote was rendered necessary. This survey was of the greatest importance to Ireland. It was an agricultural country, and the first step to all beneficial reform, whether as regarded tithes, Land-tax, County or Grand Jury cess, was an accurate survey and valuation of the land. The taxation, for want of a good survey, had hitherto proceeded on insufficient and very unsatisfactory data. This gave rise to much trouble and heart-burning, and the only way to set this at rest was by having an exact survey. Such being the case, he trusted the House would not object to the expense necessary for prosecuting this important work. Another point to which he wished to call the attention of the Committee was the agency of the Ordnance Board. Government was pledged to some alteration in this branch of the Estimates, and an alteration was in contemplation; but it was not considered an effectual one. The agency was 7,000*l.*, of which 1,000*l.*, was paid by the officers themselves, and 6,000*l.* by the Government. An establishment with a charge of 3,000*l.* would be necessary, and, therefore, Government set about devising some other means of saving this expense. The payment of the Chelsea pensioners was undertaken by his noble Friend, the Paymaster of the Forces, and thus a saving of 2,700*l.* was effected. It was now proposed that the agency of the Ordnance also should be transferred to his noble friend's department, and thus a saving would be effected of 3,000*l.* a-year. The last point to which he should refer was the removal of the dépôt from Tooley-street to Woolwich and the Tower. The great accumulation of stores was a subject of complaint last Session, and in this way he trusted that ground of complaint would be removed in future, and a saving effected of 4,000*l.* a-year. A plan was in contemplation for a more effectual check on the issue of stores, which, he trusted, when brought into operation, would be productive of much good. He would not trespass further on the attention of the House than merely to remind them that in judging of these Estimates they should consider them as the Ordnance expenditure of one of the greatest and most powerful nations in the world. He proposed, "That a sum not exceeding 70,562*l.* be granted for the salaries of the Master-General and the Officers of the Ordnance, and for payment of the salaries of clerks in Woolwich, Pall-Mall, and Dublin."

Mr. *Hume* commenced by observing, that when the Ordnance survey of Ireland was originally proposed, he had opposed the granting of so large a sum as 300,000*l.* for that purpose. That money it appeared was now expended, and he begged to call the attention of the Committee to the fact, that when it was originally voted, it was voted on the express condition that the Irish counties should provide the remainder of the expense occasioned by so minute a survey as was then intended. Now, he asked the late right hon. Secretary for Ireland whether the Irish counties had yet been called upon to pay any portion of that expense; for though the present estimate was only 30,000*l.* above the original estimate, it ought not to be forgotten that one-third of Ireland yet remained to be surveyed. The people of England had nothing to do, and ought to have nothing to do, with surveying the baronies and fields of Ireland for the mere purposes of local taxation; he therefore repeated his question, whether every county in Ireland had been called on to pay its portion of the increased expense of this survey, for he hoped that the gentlemen of Ireland, no less than the Government of England, would be found willing to redeem the pledges into which they had entered on this subject. With respect to the item of agency, he was satisfied that that arrangement, by which it was proposed to take from Cox and Greenwood the payments of that money which they had so long controlled, would be found inconvenient and would be attended with additional expense. The gallant Officer seemed to think, that because there was now a reduction in the Estimates below their amount in the years 1829 and 1830, the Committee was therefore bound to stop there. The reduction of 82,000*l.*, as compared with the expenditure of last year, on the sum to be expended by the Ordnance Department, was made up of stores and work. The actual reduction was, in point of fact, 8,493*l.*; he considered that sum so small as to be scarcely worth notice. Indeed, the whole amount of these Estimates appeared to attract very little of the attention of the Committee, for he believed, that there was only one more Member now present than was necessary to constitute a House, and to prevent anybody from counting it out, although it was proposed to vote away 1,300,000*l.* for the Ordnance Department. Not many years since, all the expense of the Ordnance did not amount to 500,000*l.*, and therefore he should object to the whole of the establishment. He considered both the civil and military parts to be extravagant and uncalled for. No wonder that our military establishments cost the immense sum of 13,000,000*l.* sterling annually, when the Ordnance Estimates formed so large an item. He approved of the removal of the department from Tooley-street; indeed, he should approve of selling off all the perishable stores, both at the Tower and at Woolwich; for the old system of keeping such stores had led to the loss of millions. Of the 1,300,000*l.* now proposed to be voted for the Ordnance, upwards of 590,000*l.* passed through the hands of Cox and Greenwood, and there was no necessity, therefore, which he could comprehend for keeping up so large a pay-office establishment. The pay of the engineers and military establishment of the Ordnance, which stood now at 592,000*l.*, did not amount in 1792 to more than 159,000*l.* In this point, then, the Ordnance Estimates were raised to three times their amount in 1792. There was no necessity for keeping up at present 8,000 artillerymen connected with the military branch of the Ordnance, when 3,000 artillerymen were deemed sufficient in a former peace. He had stated his objections to the numerical amount of that force last Session; but as the Committee had not adopted his opinions at that time, he would not give it the trouble of dividing again upon them. He would merely protest against the whole of this military establishment. It was such that no circumstances connected with Great Britain or the world would warrant us in having 8,000 artillerymen. He protested against having to provide 373,000*l.* for the pay of the artillery and engineers. He objected to having to pay 26,000*l.* for the hire of carriages on the march, and for sundry other objects, which he considered as entailing upon the country an unnecessary and an immense expense. He objected also to the item of 10,000*l.* for the expense of the medical establishment. With the pensions which were given for services performed, the Committee could do nothing but wait for the gradual diminution of their amount in the course of time. He contended that the keeping up a Director-General in the Royal Laboratory, with his assistant officers, and the keeping up of a "Director-General of Artillery Department," with assistant, inspectors, clerks, and modellers; and that the Royal Carriage Department, were all expenses which, judging from the report of the Commissioners in 1808, ought to be dispensed with. They did not amount to much more than 5,000*l.*; the expense was but small, but still it was unnecessary, and one expense only begot another. As to the item for works, amounting to 189,481*l.*, it was a large sum. Then, there was an item of 81,146*l.* for artificers, labourers, and various other services; together with an item of 87,597*l.* for repairs; making an aggregate of 168,473*l.* What he objected to here was, that, besides this sum of 368,224*l.* for works, we had also to pay for the salaries of clerks in the Tower, and Pall-mall. No establishment that he knew of paid more than five per cent for superintendence, exclusive of the salary of the Clerk of the Works; but he was prepared to show, that we paid eighteen per cent for the superintendence of these works, exclusive of the establishment in Pall-mall and elsewhere. If all private bodies could get works superintended for five per cent, it was clear, that if the Government paid eighteen per cent, its operations were open to great reduction. The next was a very heavy item the charge for the barrack department. The amount was 272,000*l.* Now, when he saw barracks rising up like palaces in all directions, and especially when he went along the Birdcage-walk, and saw a palace erected there for the soldiery, finer than any other public building in England, he could not help asking where was the economy so much boasted of by the Ordnance Department? Again, when he looked to the barracks erected at Windsor, he thought, that it became the House to consider whether the rate at which lodgings for the military were supplied, was not greater than we ought to continue. This proved, that the conduct of the Board of Ordnance was perfectly inconsistent with its pledges of economy. By a return which was now on the Table, it appeared that we had barrack room for 120,000 troops; but that we had never had more than 57,000 troops at once in this country. Was not, therefore, the building of new barracks at the present time inconsistent with the claim of credit for economy, which the gallant Officer had put in for his department? At Portsmouth, where the dépôts of two or three regiments were stationed, he understood that the Government was now paying rent for mess-rooms for the officers, although the Ordnance barracks were totally unoccupied. If the plan which he was going to state before he sat down were adopted, we should get rid of the jealousy which existed between the Ordnance Department, and the Horse Guards. There was no other country but England, in which the Ordnance Department was not under the control of the Commander-in-Chief; and in which the barracks did not belong indifferently to the artillery, and the ordinary military force. In fact, our whole system ought to be simplified; and the different departments should act in concert with each other. Instead of erecting new barracks, we ought to pull down the old ones; for they appeared to him to be of little other use than to create pay for barrack-masters, and barrack-sergeants, which amounted to 37,000*l.* a-year. This was a monstrous state of things in a country which was incessantly calling for a reduction of taxation. The next item was one of great importance, for under the plea of stores, all the establishment of the Ordnance was kept up. Those who had not paid much attention to the subject would, on looking at the Estimates, find that it was divided into two parts—one part military, the other relating to stores. Now, the whole of it should be under the control of the Commander-in-Chief, as in other countries; but the stores should belong to the Ordnance. We had a board in Pall-mall, costing the country 70,000*l.*, which ought to have nothing to do but to take care of the stores and to audit the accounts. He asked whether we ought to keep up stores to the amount of 55,000*l.* for the sake of keeping up an office called the office of Old Stores. What did these stores consist of? There was 12,700*l.* for great coats for his Majesty's forces, including the artillery. Now, these great coats might be provided by contract, when they were wanted, without the intervention of any board whatever. There was 18,400*l.* for bedding, bedsteads, &c., for the barracks. These were partly in store in Tooley-street, where they had been kept to perish. There was not a single article among those which this sum of 18,400*l.* was to provide, that might not be delivered at the barracks as wanted, without the intervention of any store at all. There was also an item of 19,700*l.* for artillery clothing at Woolwich. There was no reason why this should not be provided by contract as wanted. These items of great coats, bedding, &c., cost the country 55,000*l.* The plea for having these stores was, to keep up the Ordnance establishment, with a master-general, a surveyor-general, and various other principal officers and clerks. In point of fact, there was as much paid for the management of this store-department of the Ordnance, as for all the Exchequer of England. The expense for maintaining labourers and artificers in the Tower, for managing the stores, amounted to no less than 6,629*l.* The expense for the labourers at Woolwich was 5,402*l.* The total expense connected with the Store-office there was 8,859*l.* The total charge for the management of the stores in the Tower, Pall-mall, Woolwich, and Dublin, was no less than about 38,000*l.* annually; that was, 100 per cent more for stores than ought to be charged. He had already shown, by a reference to the contract system adopted in supplying the army, that stores could be obtained much cheaper, and in a much better manner than they were at present, for the Ordnance. He would ask any hon. Member if that could be said to be an economical mode of proceeding? On the contrary, it appeared to him to be a complete waste of the public money. Hon. Members would recollect the battle which he had to fight, to put down the office of Storekeeper-general of the Ordnance. He was obliged to contest the point for three years, and at length he succeeded in getting the office put an end to. Among the expenses, there was upwards of 100,000*l.* for those stores, which were not wanted, and all of which, when they were wanted, could be provided by contract, without the enormous expenditure now incurred for watching them, keeping them in repair, turning them, &c. He had insisted at the time, when the office of Storekeeper-general (now abolished) was under discussion, that every store which was perishable should be destroyed—in fact, that it would be better for the country to throw them into the sea than to burthen it with the expense incidental to the keeping of articles which every day became deteriorated, until at length they would be totally valueless. He had now to state to the House the lamentable result of continuing the practice of keeping a quantity of those perishable articles in store. Last year he moved for a return of the amount of stores, and of all perishable articles in store, particularly leather, and other articles of a similar nature. He would now state what was the result of that Return. The Return, it was to be borne in mind, gave the amount of the stores now on hand. He had had each of the stores valued according to their prime cost, and the calculation of what the whole amount actually cost was 158,084*l.* Now, the simple interest on those stores, totally unconnected with the charge for maintaining them, would amount to 154,000*l.* The consequence, therefore, was, that the stores in the Ordnance-office, up to the 10th of July, 1833, cost the country no less than 313,000*l.* Now, if to that they were to add the expense of taking care of those stores, from the period when they were provided, up to the period when the Return was made—namely, in July, 1833, that expense could not have been less than 200,000*l.* It would be seen, therefore, that those stores had actually cost the country upwards of 500,000*l.* sterling. What a lamentable result for the country to contemplate! He held in his hand a catalogue of a sale of Ordnance stores, and, comparing the price for which they sold with the price for which they were originally bought, and the expense with which they had been kept, it would be seen what an immense loss was continually incurred. The whole of the stores disposed of at this sale were in fact perfect trash; there was not one of them fit for service; and they could have been thrown into the sea, instead of being retained for years in store, greatly to the public advantage. On opening the catalogue at the third day's sale, he found such articles as collars, harness, saddles, &c., there enumerated. No man in his senses would think of keeping such articles in store. To select one instance, lot 1. The original cost of the lot was 684*l.* To that they were to add the interest on the money—17,000*l.*, and 1,000*l.* the expense for keeping those stores. The whole of that lot sold for 37*l.*; and when from that sum were deducted the charge for agency, and the cost of sale, it would be found, that it fetched the public only 25*l.* Such was a specimen of the manner in which the country lost by the way in which this department had been managed. In the year 1828, being anxious to put an end to such a system, he moved for a Return of the actual amount of stores then in store. That Return was printed; and he would just trouble the House with a few of the extraordinary details which it contained. The House would be, no doubt, surprised to hear, that of muskets and carbines, there were no less than 926,850 in store. It appeared, from the Return, that the average annual expenditure of muskets did not exceed 20,000, so that here was a supply in store, calculated to last for fifty years. He believed, that some of them had been sold, since; and he only wished that the greater portion of this supply for fifty years to come, could be got rid of. Every one knew, that great improvements had been of late made, especially in France, in the construction of the musket. If, therefore, a war should take place now with France or any other Power, they would be provided with the new and improved muskets, while we should have to fight them with our old-fashioned and comparatively bad ones. He was given to understand, that the improvement in the construction of the musket which had been lately introduced in France, had been submitted to the Board of Ordnance in this country; and that they refused to adopt it, in consequence of having such an amount of muskets already in store. He would advise, that those muskets should be sold for old iron. The respective Governments had gone on in the same way ever since the peace, adding to the store, instead of diminishing it, though he had been repeatedly hammering at them to make them put an end to the mischief. With such a store of muskets, if a war should break out, and we came in contact with the French improved muskets, we should be, as he had already said, left behind. We should get rid of them at once; of pistols there were 50,000 of swords 154,000; and there were already provided in store 287,353 sets of accoutrements. Each accoutrement consisted of a pouch-box, a bayonet, and a belt; and the average cost was 14*s.* the set. Would the House believe, that since the termination of the war, such a vast amount of accoutrements were continually kept in store, with all the expenses of storehouses, persons for keeping them in order, &c.; and that at last, being totally unserviceable, they were sold for 1*s.* per set? If the members of the Board of Ordnance had had to pay the expense out of their private pockets, it would have attracted their attention, and a remedy would long since have been applied to the abuse. He would just state a fact eminently illustrative of the utility of keeping up such a store of perishable articles. We had an African corps on the coast of Africa, which we supplied with accoutrements. Now, so bad were the accoutrements in store, that the Ordnance was obliged to enter into a contract for the supply of accoutrements for this African corps. He did not charge the persons at present at the head of this department with the fault of this arrangement. He believed, that they were very properly selling them by wholesale almost for nothing, In the present circumstances of the country, it was absurd to keep up such an amount of stores. Before 1793 there might have been a difficulty in suddenly providing stores. But since that time there had been such a great increase in our manufactures, and there had been such a demand from foreign countries, that the workshops at present existing here would be able to supply with arms and accoutrements more men than England would want in a hurry. He condemned the whole system, and looked upon it as ruinous to the finances. There were also 60,000 blank cartridges, and 279,000 barrels of powder in store. It appeared, that the average annual expenditure of powder was 6,000 barrels; so that here we had 40 years' consumption of a perishable article in store—an article that became good for nothing in five years. We had, at this moment, Government manufactories going on, making a quantity of powder every year, although we had already more than we could use during 40 years. We had as much powder, at this moment, on hand as was sufficient to supply the whole world, and besides 12 private establishments making powder, we had the Government manufactories of Feversham and Waltham Cross. A great and useless expenditure was incurred in maintaining these establishments. The whole powder manufactory should be put an end to. [An *Hon. Member:* Blow it up.] "I wish," said Mr. Hume, "I could blow it up, I would do so with pleasure. I went down to it last year, and they would not let me see it." He was then told, the hon. Member continued, that no one was admitted except on business. As in a former case, a poor man at Woolwich had been nearly dismissed for allowing him and Mr. Benett to see the establishment there, he did not wish to get any other person into similar danger. He was told, that the establishment at Feversham was kept up for the purpose of growing willows. With a store of powder sufficient for the consumption of 40 years, we went on making 20,000 barrels every year, while the average annual consumption was only 5,000 or 6,000 barrels, and we afterwards sold the powder which we made at half-price. Of other articles in store, we had, of iron guns, 30,000; of howitzers, 20,000; of carriages, 18,000, &c. &c. What would the House think of there being 12,000 ship-gun carriages in store? Every one knew what a gun-carriage was worth after it had gone through 12 or 13 years' service, and, in fact, most of those carriages were good for nothing. This was a fine exemplification of the folly of the whole system of the Ordnance. He would tear up the whole establishment, root and branch. He would break up the Board, and annex it to the office of Commander-in-Chief, and he would get rid of the whole of those unnecessary stores. Of sheeting there were in store 1,680,000 yards. There were 15,000 wheelbarrows, and they were all rotten. The average annual consumption of wheelbarrows was 1,466, and we had, therefore, a thirteen years' supply of wheelbarrows; of blankets there were, 99,000, of rugs, 40,000, of sheets, 112,000. Now, there was not a single article amongst the whole of those, that could not be supplied cheaper and better by contract, and as speedily as the Government could possibly on any occasion require them. There would be this much gained, too, in that case, that they would not have to pay storekeepers for taking care of rotten stores. Surely it was unnecessary for him to say more to demonstrate the folly of the proceedings that had for years been adopted by the Board of Ordnance. Although the Finance Committee did make a favorable Report as regarded the Board of Ordnance, it should be recollected, that it was only as compared with other Boards, which were ten times worse. The Finance Report only said, that of three or four departments, the Ordnance was the best administered, being under the management of one responsible individual. He (Mr. Hume) certainly concurred in that part of the Report, being of opinion, that having one responsible person at the head of a department was the best. He had shown the bad policy—indeed the folly, of keeping on hand such large stocks of perishable articles. The whole cost was a pure loss. Why keep up such a quantity of muskets, when it would be much better to dispose of them as old metal? If a contract were offered for keeping all the stores that would be necessary, he would engage, that warehousekeepers would be found in England who would undertake to keep the whole of the stores, and give a detailed account of them every week, for the sum of 10,000*l.* a-year. Amongst the Miscellaneous Estimates, he found 45,000*l.* for salaries. Now, he begged to say, that they should form no portion of the Ordnance Estimates. They should constitute a civil charge. The miscellaneous Estimates of the Ordnance amounted to 78,000*l.*, from which this item of 45,000*l.* should be taken. He found one item, 4,500*l.*, for packing and for freight, and carriage of stores. If stores were provided by contract, the contractors would defray the whole of this charge for packing, &c., as the contractors for the army did at this moment. Then there was an item of 4,830*l.* for keeping up the establishment at Feversham in time of peace. It formerly cost 16,000*l.*; it was then reduced to 12,000*l.*; then to 8,000*l.*; and now it cost 4,000*l.* It should be given up altogether. There was an item of 2,850*l.* for the purchase of lands, which he hoped the gallant officer would explain. He found, that the law expenses amounted to 2,000*l.* Then there was 10,000*l.* for the medical establishment. These were enormous expenses. There was an item of 1,747*l.* for Exchequer fees; altogether, as he had said already, the miscellaneous Ordnance Estimates amounted to 78,000*l.*, from which sum he was free to admit 45,000*l.* should be deducted, as being paid for salaries, and not being an item that should be included in those Estimates. He had still, however, a greater subject of complaint to advert to than any he had yet mentioned, he meant the sum laid out on the civil department of the Ordnance, for superintending the expenditure. It consisted of the following officers, with the following salaries: Master-General, 3,000*l.* a year; Surveyor-General, 1,200*l.* a-year; Clerk of the Ordnance, 1,200*l.* a-year; Principal Storekeeper, 1,200*l.* a-year; Treasurer, 1,000*l.* a-year; Secretary to the Master-General, 1,000*l.* a-year; Secretary to the Board, 1,400*l.* a-year; altogether amounting to 10,000*l.* a-year. The clerks' salaries at Pall-mall and the Tower amounted to 50,000*l.* a-year. Besides that, the clerks' salaries at Woolwich 3,069*l.*; the clerks' salaries in Dublin, 10,550*l.*; the clerks' salaries in the different out-stations throughout England, 15,237*l.*; the clerks' salaries in the different out-stations in Ireland, 2,167*l.*; and the clerks' salaries in the different out-stations abroad, 24,831*l.* A great portion of this enormous cost was incurred by reason of our keeping up stores. Was it not monstrous, that the clerks of the Ordnance at the Tower and Pall-mall should cost more than the whole Exchequer of England? That was a crying evil, and the House ought to endeavour to remedy it. The whole of the contingent expenses of this establishment amounted to 128,757*l.*, which was enormous. He said, therefore, that the public was not done justice to. The establishment could be kept up at one-tenth of the expense and in equal efficiency. He did not see the necessity for continuing the Pay-office. He thought that the different items of expenditure might be paid by warrants direct from the Bank, or upon Cox and Greenwood, or any of the other army agents. He formerly laboured under the error of supposing, that the expense of the army agencies was extravagant. He now believed there was no mode of paying the army so economical and so certain as that adopted in the instance of army agencies. The Army Board in

Chelsea Hospital charged 1*l.* 14*s.* 6*d.* upon their payments, whereas Cox and Greenwood, or any other army agent, would do it for one-third of the sum. In fact, Cox and Greenwood would make the whole of these Ordnance payments for one-third of that charge; and thus the whole of that cost might be got rid of, that at present was incurred in the Pay-office. There was 590,000*l.* already paid by Cox and Greenwood, and they only charged 16*s.* 8*d.* per cent commission. He had already shown the enormous expense incurred by this branch of the Ordnance. Why, he would ask, should not that department be regulated upon the same plan here, as in every other part of the world? He would refer for example to India. There the artillery and the engineers were directly under the Commander-in-Chief, as they were in Germany, France, and every other country but this, and for the whole of India (with an army in Bengal of 150,000 men) the whole Ordnance did not cost so much as one single department of the Ordnance in this country. The matter was arranged in this way; there were distinct points of reference, rules were laid down for the guidance of the officers in the different districts, officers were appointed for carrying them into effect, and the whole was under the superintendence and control of the Commander-in-Chief. What was done in India might be done in this country. A system of the same kind was pursued, for instance, at Gibraltar, where the officers met together; each stated what was wanted in his different department, and their requests being transmitted here, the Board at home carried them into effect. The whole business, might, in fact, be done at the Horse Guards without any additional expense beyond a few clerks, and thus we should get rid of the whole of the Ordnance Department, for the maintenance of which, for no purpose, the country now paid an enormous sum. He knew the difficulties which men had to encounter who succeeded others in office; he was well aware how they were trammeled by prejudices and forms, but he believed that the present Government would do well to exert themselves to get rid of the useless stores, as they saw equally with him the expense and inconvenience of keeping more than we wanted. It was his intention to have submitted a resolution to the House on this subject, he thought there were very few Members who would not concur with him in the opinion that the Ordnance was an unnecessary and an enormous establishment, and that it ought to be reduced. Understanding, however, that it would be inconvenient to move such a resolution while the House was in Committee, he should, when the Report was to be brought up, submit to the House a proposition grounded on what he had laid before the Committee, and he trusted it would meet with the support of the majority of that assembly.

Mr. *Cobbett* said, great credit was due to the hon. member for Middlesex for the searching inquiry he had made into these Estimates. For himself, he must say, he had not patience enough to go into any such details; but he should still make an observation or two to the House. The expense of the Ordnance during the last peace had been overstated by the hon. member for Middlesex, for it did not exceed the sum of 367,000*l.* per annum. The hon. Member asked when the time would arrive that soldiers would be no longer lodged in palaces; and he would tell him—when the labouring people of this country were once more in comfort, and not before. Not before, he dare assert. When that House voted 15,000,000*l.* or 16,000,000*l.* a-year for taxes, instead of 50,000,000*l.* or 60,000,000*l.* then these barrack-palaces would be done away with; for then the people would be comfortable and thriving, and happy and contented, and there would be no soldiers wanted to keep them down. He was far from finding fault with Ministers for keeping up these palaces. It was not their doing that they were kept up. It was the fault of that House. As long as the House voted 50,000,000*l.* of taxes—as long as the people were burthened in this way, Ministers could not help themselves—they must keep up a standing army, and they must maintain these garrison palaces. He knew he should be charged with making ill-natured observations. Let him be so charged. He did not care; for he was speaking truth, and the House could not deny it. If these soldiers were not kept to frighten the people, what, he asked, were they kept for? Here we were in the twentieth year of peace—not one of which had passed without his Majesty solemnly assuring us, on his royal word, that there was no danger of war—aye, and if that terrible word "war" was ever uttered in that House, there were loud and vociferous cries of "no," "no," "no," "no," —here we were in the twentieth year of peace and no chance of war—and what then, he asked, were these barracks and these soldiers kept up for? The blame, he repeated, was to that House, and not to Ministers—to that House then nearly empty, when such large outlays were under consideration—to that House, in which there were not fifty Members present when a sum of 1,300,000*l.* was being voted away. He would say no more just then, on some other items he should have something to address to the House, particularly as to the enormous amount of the dead weight, as it was called—the pension part of this business, and more particularly still as to those fifteen Generals of the Ordnance Establishment, who were in the receipt of half-pay.

Colonel *Maberly* said, that the hon. member for Middlesex had mixed up the charges for the various departments in such a manner that he (Colonel Maberly) found it extremely difficult to reduce them from the chaos in which they had been involved, into intelligibility and order. The whole sum to be voted was about 1,346,000*l.*, which was divided either into Ordnance Service, Barrack Department and Buildings, Military Stores, and Superannuation. He would not attempt to follow the hon. Member through all his observations; but would merely advert to a few points under each of these heads. The hon. Member, in the first place, alluded to the large establishment kept up, and the great number of soldiers in the artillery. It was obvious, on reflection, that it required a much longer time to train an artillery soldier than one for the line, as the former must necessarily receive something of a scientific education. It was necessary to drill him as a cavalry soldier, and in the use of military weapons; and it was also necessary that he should be made, in some degree, acquainted with laboratory practice. He believed, that it was not possible to instruct a recruit, to make him an efficient artillery soldier, in less than three or four years. If the artillery were not properly drilled, it would hardly be possible to send out an expedition with a chance of success, however it might be called for. He would appeal to any man at all conversant with military matters, whether it was not necessary that the artillery corps should be placed on a different footing from the troops of the line? The troops of the line, in case of need, might be replaced by the militia; but that could not be the case with the artillery. He thought that, if the honour of the country was to be maintained, a comparatively large corps of artillery must be kept up. As it was, England did not keep up nearly so large a force of artillery as other countries. Even America, in proportion to her military establishment, had a much larger artillery than England. In the United States, he believed that there were four battalions of artillery, and only six battalions of the line. The corps of artillery was much below what would be considered sufficient in any Continental State in which a large army was kept up. The hon. Member had complained that the artillery corps was paid by the Ordnance Office, and not by the army agents. This was done because the storekeepers were necessarily obliged to perform a great part of the duty of agents. The hon. Member said, that the payment of the corps was the only thing to look to; and they ought to consider the cheapest mode in which it could be done. The object, however, in the present mode of payment was to see that the artillery were not paid more than they ought to be. There were between seventy and eighty clerks in the War-office, who were occupied in checking the pay of the army; and it was deemed necessary that a similar check should be kept up by the Ordnance. One-third of the civil establishment of the Ordnance was kept up for this purpose. The hon. Gentleman, therefore, was wrong in saying, that the civil establishment was kept up for the stores alone. The next point to which he came was the barracks. He would not enter into a long discussion of the question as to whether it was more advantageous to keep troops in barracks, or quarter them on the inhabitants of a place. He believed that the excellent discipline of the British army was owing, in a great degree, to the barracks. The expense, certainly was great; but it was not near so much as formerly. He felt assured, that, if an attempt were made to quarter soldiers on the inhabitants of towns, it would lead to constant complaints; and the Government would be very soon compelled to return to the system of barracks. No military man, who had the interest of the army at heart, would wish to do away with barracks. The question then was, what should be the cost of the barrack establishment. He was prepared to show, that, within the last few years, great reductions had been effected in this department. In 1814, when the charge for barracks was transferred from the Army Estimates to the Ordnance, the amount of the Estimate was 270,000*l.*; and in 1834, the charge was 196,000*l.*; thus making a saving in the barrack establishment in 1834, as compared with 1824, of no less than 96,000*l.* He, perhaps, could not do better than read to the House a statement of the reductions that had been made in this department. In 1824 there were 157 barrack-masters, eight deputy barrack-masters, and 284 barrack-sergeants. In 1834 there were 103 barrack-masters, three clerks, and 244 barrack-sergeants; thus showing a reduction in the years of fifty-four barrack-masters, five clerks, and forty-two sergeants. In Ireland the establishment was not above one-third of its extent in 1824. He thought that the Ordnance Department were entitled to credit for the reductions they had effected. The next head he came to was the Ordnance expenditure; and he was prepared, if necessary, to show, that it was less, as compared with that in the golden time of the hon. Member, namely 1792. At that time, also, the Ordnance had not to defray the charge of the Ordnance survey, or the Ordnance sea-service. He would not, however, enter into details, though it ought to be recollected, that the Ordnance had to superintend the building and repairing of forts and barracks in almost all parts of the world; and it was absolutely necessary that the utmost care should be taken to see that the work was properly done. He ought previously to have observed, that the Ordnance had determined, for the future, to have as much work performed by contract as they safely could. In that case, however, it would be absolutely necessary to keep up many officers to superintend the buildings, and see that good materials were used, and that the work was properly done, and also that the articles furnished by contract were of the proper quality. The hon. Member had made several observations respecting stores, which he could scarcely class in any order. The hon. Member complained of the large stock of stores kept on hand. Undoubtedly, there was a large stock; but the Ordnance were taking steps to reduce it. There was then sitting at Woolwich a Committee to inquire into the subject, with a view to determine the quantity of stores that should be retained, and what should be disposed of. With respect to the manufacture of gunpowder, when they had such a large stock in hand, he would only observe, that not more than one or two thousand barrels were made in the year; and it was considered desirable that this manufacture should be continued, for the purpose of having a number of persons well acquainted with the manufacture of the article; and also that scientific experiments might be tried as to the manufacture. With respect to the establishment at Feversham, the hon. Member was in error, as it had been done away with three years ago. He had already admitted, that the quantity of stores on hand was very large; but it would not do to get rid of the whole stock, as suggested by the hon. Gentleman. He was sure that the House would agree with him, that the Ordnance would be guilty of a great neglect of duty if they did not keep up sufficient stores to be prepared for hostilities. His Majesty's Ministers had fully concurred in the recommendations of the Committee, of which his hon. friend, the Storekeeper of the Ordnance, was Chairman, respecting the keeping of stores. The Committee recommended, that there should not be an accumulation of stores for more than a consumption of three or four years; and also that a great part of the surplus stores should be disposed of. The Committee likewise recommended, that many articles now manufactured should, for the future, be purchased by contract. His hon. friend, the Storekeeper-General, had acted upon the suggestions of the Committee; and he would not do more than refer to what had been done since the Committee made their Report on the 29th of July, 1833. It was found, on examination, that no less than 13,050 various articles were in the dèpôt in Tooley-street, and the Military Committee had struck out those articles which they thought should not be kept. In 1833 the number of articles in store was 13,056. There were then only fifty-eight articles in store in Tooley-street. He was, therefore, justified in saying, that they had succeeded in making great reductions in the store department, on which the hon. member for Middlesex had said so much. He trusted that he had shown, to the satisfaction of the House, that the Ordnance Establishment was not larger than was necessary.

Vote agreed to, as were the several other votes, and the House resumed.

POLISH EXILES.] Sir J. Graham moved the Order of the Day for the House to resolve itself into a Committee on the Exchequer of Receipt Bill.

On the question, that the Speaker do leave the Chair,

Lord *Dudley Stuart* said, he would take that opportunity of putting a question to the noble Lord (Palmerston) opposite. A statement had appeared in some of the public papers in which it was said that a communication had been made by the Court of Russia to the several Governments of Europe requesting that those governments would not receive or give any protection to those Polish refugees who had been exiled from their own country for political causes. If such a communication had been made, it was most cruel and tyrannical, and was quite in keeping with the other acts of tyranny which had been practised on those unfortunate exiles. He wished to know from the noble Lord, whether any such communication had been made from the Court of Russia to this Government?

Lord *Palmerston* had no objection to answer the question put by his noble friend. No such communication as that mentioned by his noble friend had been made by the government of Russia to his Majesty's Government.

The House went into Committee on the

EXCHEQUER RECEIPT BILL.] On the first Paragraph being read,

Mr. *Herries* said, that as Chairman of the Committee in which this Bill had, he might say, its foundation, he felt it necessary for his own sake, and for the sake of those with whom he then acted, to offer a few remarks on the Bill. To the general principle of the Bill he was as ardent a friend as the right hon. Baronet; but though he agreed in the principle, he differed from the right hon. Baronet as to some of its details, and his object in thus adverting to it was with the view of making the Bill as perfect as he thought it might be made. One part of it on which he differed from the enactments of the Bill was that of having two persons of equal authority at the head of the department, each to act in the absence of the other, but for this absence there was no regulation, as neither of those parties were to be under a higher authority. This, he thought, would be productive of inconvenience, inasmuch as it tended to bring about a practice which it was a professed object of the Bill to avoid —of having the duties of principals done by deputies. He was of opinion that the Clerk of the Pells might be retained under some other name, if it were thought proper, but as a recorder of the acts of other officers. If two officers were appointed, they should be a check upon each other. The Comptroller-general should undoubtedly have an opportunity of being occasionally absent, provided it were without detriment to the public service; but he was afraid, if the Assistant-comptroller were to be permitted to act, not *pro hac vice,* but in all cases for the Comptroller-general, this office would degenerate into a sinecure. The assistant should be permitted to act for the principal only under the special authority of the Exchequer. In case of the unavoidable absence of the Comptroller the chief clerk might be authorized to act for him. He (Mr. Herries) objected to the appointment of two officers to the same situation. He should reserve other observations on several of the clauses of the Bill; he thought he could offer some suggestions in order to carry into effect the objects of the right hon. Baronet.

Sir *James Graham* said, that he listened with the utmost deference and respect to the suggestions of the right hon. Gentleman, who combined with a knowledge of these details much practical experience. He (Sir James Graham) was anxious to continue the ancient system of the Exchequer so far as it was found effective; he was desirous that the control of the present day should be at least as efficient as the former control. The subject of dispute between him and the right hon. Gentleman was, whether the present double check was more efficient than the single check provided in the Bill before the House. He (Sir James Graham) had stated his reasons already for thinking that the single check, as provided in the Bill, was most efficient. It was to be recollected, that this single check was an entirely independent officer. He proposed that the offices of Comptroller and Assistant-comptroller should not be filled by persons holding any other appointment from which they were removable by the Crown. Another objection of the right hon. Gentleman was, that the office of the Comptroller-general might degenerate into a sinecure. But he proposed to insert, in the second clause, that the assistant should exercise the powers of the Comptroller only in the event of the illness or occasional and necessary absence of the Comptroller; he also proposed to provide that the Comptroller should exercise his functions in person, and that both officers should be removable by an Address from either House of Parliament. These, he thought, would be found sufficient precautions for preventing the principal office degenerating into a sinecure. If there were a double check, as suggested by the right hon. Gentleman, there must be a provision for the occasional absence of both officers, by the appointment of two assistants, and, therefore, there would be four officers instead of two.

Mr. *Herries* referred to the nature of the appointment of Lord Auckland, as Commissioner of Greenwich Hospital, by Act of Parliament, which expressly stated that it was to be during his Majesty's pleasure; and he contended that this would disqualify him for the office of Comptroller-general.

Sir *James Graham* replied, that the effect of the appointment of Lord Auckland in Greenwich Hospital was during life.

Mr. *Herries* must still insist, that as the object of the right hon. Baronet was to keep the Comptroller-general from the influence of the Crown, if the Act of Parliament stated that the office in Greenwich Hospital was to be held during pleasure, it did not remove the individual from the influence of the Crown; he was, therefore, incapable of holding the office of Comptroller.

The several clauses of the Bill were agreed to, as verbally amended, and the House resumed.

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HOUSE OF LORDS,

Saturday, March 22, 1834.

MINUTES.] Bill. Read a third time:—Mutiny.

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HOUSE OF COMMONS,

Saturday, March 22, 1834.

MINUTES.] Bill. Read a third time:—Pensions' Duties &c.

Petitions presented. By Messrs. THICKNESSE, HALL, DANIEL GASKELL, SCHOLEFIELD, and M. A. TAYLOR, from several Dissenting Congregations,—for the Relief of Dissenters.—By Mr. J. MAXWELL, from the Hand-Loom Weavers of several Places, for a Board of Trade, and for Relief.—By Colonel EVANS, from Hastings, for the Release of Mr. Cohen.—By Mr. MURRAY, from Leith, for the Repeal of the Stamp Duty on Receipts; and for a Copy of all Papers printed at the Public Expense to the Magistrates of each County Town, &c.—By Mr. SINCLAIR, and Mr. MURRAY, from several Places, for a New System of Lay Patronage in Scotland.—By Messrs. SINCLAIR and THICKNESSE, from Westminster, &c.,—for the Better Observance of the Sabbath.—By Mr. BAILLIE, from Bristol, against the 56th Clause in the Reform Act.—By Lord NORREYS, from Thame, for an Alteration in the Poor Laws.

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HOUSE OF LORDS,

Monday, March 24, 1834.

MINUTES.] Bills. Read a second time:—Consolidated Fund Indemnity; Pensions' Duties, &c.

Petitions presented. By the Duke of HAMILTON, from the Medical &c., Association at Greenock, for an Inquiry into the State of the Profession; from Dunse, &c., for a Better System of Church Patronage in Scotland; from the Hand-Loom Weavers and others of Airdrie, Lanark, &c., for a Board of Trade, and for Relief.—By Lord WHARNCLIFFE, from the Mayor, &c., of Liverpool, to be heard by Counsel against the Liverpool Freemen's Disfranchisement Bill.—By the Duke of RICHMOND, from Fleet, for the Renewal and Extension of the Labour-Rate Act.—By the Marquess CAMDEN, from the Grand Jury of Carmarthen, for the Abolition of certain Local Taxes on Agriculturists; and from two Places in Wales, against Tithes, and for the Repeal of the Malt Tax.—By the Duke of RICHMOND, from Brighton, against being Incorporated with any other Places.—By the Dukes of RICHMOND and SOMERSET, and Earls of UXBRIDGE, CAWDOR, SEFTON, and GREY, from a Number of Places and Dissenting Congregations,—for Relief to the Dissenters.—By the Duke of RICHMOND, Marquess of CHOLMONDELEY, Earl CAWDOR, Lord BEXLEY, and the Bishops of BATH and WELLS, LICHFIELD, and St. ASAPH, from several Places, —for the Better Observance of the Lord's Day.

LAW OF ENTAIL (SCOTLAND).] The Earl of *Rosebery* rose to submit to the consideration of the House two Bills for altering and amending the Law of Entail in Scotland. He should confine himself, on this occasion, to stating what was the present condition of the law in this respect, what were the provisions of these Bills, and wherein they essentially differed from those which had twice before been brought into the House of Commons. The law then, as it now stood, gave permission to any owner of property to entail it for an unlimited period, and to an indefinite series of heirs, and the actual practice, in consequence of this power, founded on the Scotch Act of 1685, was, that a vast mass of land had been thus entailed in perpetuity in Scotland. To provide against the obvious evils of this system, was the object of the Bills he now introduced. By the first, no entail of land in future could be made beyond heirs in being at the execution of it, and for twenty-one years afterwards, following the principle of the Law of Entail in England, which long experience proved to unite all the advantages, without any of the injurious effects, belonging to entails. The second Bill related to entails now in existence, and provided various remedies for the many evils resulting from them, some of which are of a national description, and others more immediately affecting individual interests. By this Bill, proprietors would be empowered to grant improving leases to few, that is to leave in perpetuity for building, and to exchange to a much larger extent than at present. It would also confer the right of raising money on heritable bond, or mortgage for such charges as might be legally incurred under the tenth Geo. 3rd., called the Montgomery Act, or under fifth Geo. 4th., termed the Aberdeen Act, or under any other regular authority, with the option of dis-entailing and selling, not exceeding a fourth of the estate, in order to discharge these incumbrances. The main difference between these Bills, and those which were in the House of Commons was, that the exchange of a whole estate would not by them be permitted; that in no case would it be allowed to the heir in possession to break the entail, leaving the Act of 1685 untouched with regard to entails now in being; that neither the Montgomery Act, nor Lord Aberdeen's Act would be repealed, as far as they referred to old entails, and that no charges for improvements would be recognised as coming within the limits of relief pointed out by the Bill, excepting those which had been recorded according to the present law. He thought, however, that it would be highly desirable to frame another law as a substitute for the tenth Geo. 3rd., more comprehensive, and simple, and free from the difficulties and pressure with which that act was encumbered; and he hoped that the second Bill he now presented, would obviate most of the objections to which the Aberdeen Act was found liable. Such were the principal purposes of those Bills, founded, he conceived, on just and safe principles, calculated to avert the evils which must ensue were the present power of entailing left unrestrained, and to diminish to a great degree the pressure which the exercise of it had produced on individuals, and so shaped as, he trusted, would secure the sanction of the House, and be satisfactory to the people of Scotland.

The *Lord Chancellor* assured the noble Earl, that he would give all the attention in his power to the noble Earl's measure. Some change in the Laws of Entail for Scotland was highly necessary. There must, undoubtedly, be a great difficulty in making that change in such a manner as to conciliate all the various interests involved; but he rejoiced that his noble friend had undertaken the subject, and had brought it before their Lordships in a shape convenient and advantageous for consideration, by proposing a specific measure. Whether it would be more expedient to refer the measure to a Committee, for the purpose of having the whole subject more narrowly investigated than it could be in a general discussion in their Lordships' House, was a point for consideration; but he could assure his noble friend, he would certainly give his best attention to the subject. Without going into any general explanation he might state, that his opinion inclined towards assimilating the Scotch Law of Entail as nearly as possible to the law of England. He would venture to say, that the Law of Perpetuity in no country was founded upon a more rational, a more consistent, or a more just foundation than the Law of Perpetuity in England. By that law a man was prevented, on the one hand, from tying up property beyond a limited time; while, on the other hand, he was enabled to preserve it to a succession of heirs, and against the risk of alienation for a reasonable period. The English Law of Perpetuity had been greatly improved of late years—and even within the last year a measure had been passed for preventing the evasions which previously took place under Lord Loughborough's Act. It would be proper to look at the question with a view to assimilate the law of the two countries as much as possible, without breaking in on any of the present established principles of the Scotch law. All he could then say was, that the plan of the noble Earl should receive his best consideration, and he would endeavour to give to the noble Earl all the assistance which was in his power.

Lord *Wynford* thought, that the power of entailing an estate on an indefinite number of families, and rendering it inalienable as long as any descendant of any of those families should remain, was much too large. All the objects of the entailer's regard might be provided for by a much more limited settlement. The power of making such entails was only calculated to gratify the foolish vanity of the owners of lands, by enabling them to direct the course of descent of those estates, and to call the lands after their names for centuries after their deaths. But he was not prepared to say that it might be proper to extend the English Law of Entail to Scotland. There was a great difference between the state of England and Scotland; and a law very good for England, might not be proper for Scotland. He trusted their Lordships would send the Bills of the noble Earl to a Committee up-stairs. The interests of an immense number of persons would be affected by these alterations in the law. Such a Committee would ascertain what alteration was desired by the people of Scotland—it might collect the observations of men learned in the laws of Scotland, and who had had opportunities of observing the effects of the existing system—and it might ascertain what alteration would make the laws bear a just relation to the interests of all persons possessing, or having as creditors, or otherwise, any claims on landed property. As their Lordships were asked to alter the law of Entail, which, however faulty, had at least been found to prevent the Members of the Upper House of Parliament from becoming poor and dependent. Before the system was broken up, some provision should be made for rendering a part of the property of Peers inalienable as long as Peerages, in connection with such property existed. He did not mean that the whole of the estates of a Peer should be tied up, but such a *majorat,* to use a term familiar to another country, as should be thought sufficient to maintain the dignity and independence of the Peer to whom they belonged. Neither the present law, nor any that could be made could guard against the effects of the imprudence of Peers during their own lives; but it prevented the follies and extravagance of Peers from disabling their descendants from supporting their dignity, and so rendering them dependent on the crown. It was proposed to make provision for younger children, out of entailed estates, and to allow the exchange of such estates for other estates. He did not object to the giving of such powers, but the exercise of them ought to be strictly controlled, or parents might neglect to take care of their younger children by proper economy; and remove the burthen of maintaining them from themselves, to whom it properly belonged, to their heirs, who might have children of their own to provide for. He should never consent to allow a sale of part of the estates for the raising a portion for younger children, for, in a few generations, the whole of the entailed estate would be thus entirely spent. By charging the estate with money borrowed, and obliging the successive possessors to repay it at certain specified rates per annum, the younger children might be maintained, and the estate preserved entire, Powers of exchange, if not strictly guarded, had been found to enable life-tenants to diminish the value of the inheritance. If he should have the honour to be on the Committee, he should give his best attention to these circumstances, and to every other connected with this most important branch of the law of Scotland.

The Duke of *Hamilton* said, he would not enter into any general examination of the measure which the noble Earl had proposed for the consideration of the House. Indeed, he almost regretted that his noble friend had said so much on the subject before the Bill was brought into the House, for it embraced so many matters of such great and vital importance, that it was very possible noble Lords might be reasoning on different points which they imagine would be introduced into the Bill, but which, when the Bill should have been finally drawn up, might not be included in it. After what had fallen from his noble and learned friend on the Woolsack, he would make one or two remarks, because he perceived, from the line of argument adopted by the noble and learned Lord, that he had an inclination to assimilate the Law of Entail in Scotland, to the Law of Entail as it at present existed in England. In the first place the House must consider that it was not enacting laws for a new country—that Scotland had a system of laws peculiar to herself—and that it ought to look most carefully into the subject, in order to ascertain whether it would be desirable to change those laws, and assimilate them to the laws of England in reference to this subject. It had frequently been said that the Law of Entail in Scotland was, in fact, an interminable inheritance. It was no such thing; but if the extent of the entail was to be limited, where were they to stop. The House had a better right to take away the property of the third generation, than to take away that of the first. In his opinion it was trenching on the rights of individuals, and destroying vested property, which ought to be religiously preserved, especially at a moment when the subject of Scotch entails was one of extremely difficult consideration. He was not pleading the case of the rich against the poor, but the case of the poor against the rich. The proprietors and possessors of these entails ought not to be allowed to dissipate them—nor should they be destroyed. If there was a thirtieth poor relation, who had not a sixpence in the world, the rights of that individual ought to be preserved, and the House ought not to consent to any measure which would have the effect of depriving him of those rights. When he considered the state in which entailed property in Scotland was now placed, with about half a dozen different Bills relating to its alteration before the Houses of Parliament, he might freely say, that if the present course of proceeding were persevered in, their Lordships would not only cut off the entail, but would alienate, root and branch, the whole property.

The Earl of *Rosebery* said, it had not been his wish to go into any general statement of the merits of the question, and he hoped their Lordships would acquit him of having entered into any argument on the subject. The suggestion thrown out by the noble and learned Lord on the Woolsack, was precisely the course which he had intended to propose to their Lordships—that these Bills should be printed, and circulated among those individuals who were most conversant with the subject to which they related; and that ample time having been given for their consideration, his intention had been, immediately after the recess, to name a day for the second reading; and if he should be able to convince their Lordships that the Bills ought to be read a second time, then he should move that they be referred to a Select Committee above-stairs.

The Earl of *Rosslyn* expressed his satisfaction at what had been said by the noble Earl, with reference to the course of proceeding that he intended to adopt, because he (the Earl of Rosslyn) and several of his noble friends around him, understood that it had been intended to propose the second reading of these Bills immediately after the recess.

The Bills were read a first time.

HOUSE OF COMMONS,

Monday, March 24, 1834.

Minutes.] Bill. Read a third time:—Stafford Borough Disfranchisement.

Petitions presented. By Mr. Bolling, from the Hand-Loom Weavers of several Places, for a Board of Trade, and for Relief; and from the Retailers of Beer in Bolton-le-Moors, to be placed on a Footing with Licensed Victuallers.—By Mr. Tyrell, from Bury St. Edmund's, &c., for the Better Observance of the Lord's Day.—By Sir Robert Peel, from the County of Stafford, Mr. T. C. Whitmore, from Bridgnorth, and Mr. E. Foley, from Bromyard,—for Relief to the Agricultural Interest.—By Mr. Hoskins, from Upton-Bishop, for Poor Laws to Ireland.—By Lord Morpeth, from Gainsborough, against Children being Employed in Cleaning Chimneys.—By Lord Cavendish, and Captain Paget, from several Places,—for the Better Observance of the Lord's Day.—By Sir Robert Peel and Lord Cavendish, from four Places,—against any Measures tending to diminish the Efficiency of the Established Church.

Dissenters' Grievances — Cambridge Petition.] Mr. *Spring Rice* rose to address the House upon the Petition of certain Members of the University of Cambridge, presented by him on Friday morning. The petition was entitled to the best, and if he might presume so to say, the most respectful consideration of the House, no less on account of the important subject to which it related, than on account of the learning, high character, and moral worth of the individuals by whom it was signed. The petition had emanated from sixty-three resident members of the Senate of the University of Cambridge, and it prayed, that the advantages of degrees at the University might be extended to all classes of his Majesty's subjects, without any distinction whatever upon the ground of religious opinions. The petition in its prayer, was perfectly consonant to many of those which had already been presented to that House from the different Dissenting bodies of the country; but it was still more gratifying to learn, that the principle of opening the doors of the University to the Dissenters, was laid down and acknowledged by those who might be supposed to have an interest in their exclusion, than when this argument proceeded from the Dissenters themselves. It furnished, not only the best evidence of the justice of their claims, but it furnished, also, the cheering hope, that the prayer of the petition could not be refused. He might be allowed to remark, that it was of the greatest possible importance, that all concessions should thus be made, and that an amicable adjustment should thus be concluded between independent—for he would not say contending—parties; or, in other words, between the Dissenters themselves, and those who had the power of granting or of withholding the advantages which the Dissenters justly claimed. Was it not better and wiser, that those advantages should be freely and liberally conceded by the members of the University, than that they should be extorted from them by importunity and clamour? He thought, that when the right of the Dissenters to be admitted to the privilege of this University was urged by members of the University itself, it came with more force, and would be more gratifying, as well as more salutary in its effects, and more beneficial in eventual consequences, than when it was demanded by the Dissenters only, because in the latter case it proved, that the petitioning members of the Senate admitted the justice of the claims of the Dissenters. It was, however, only just, that he should state, that he was not entitled to present the petition which he held as the petition of the University of Cambridge: it could not be so designated. It was the petition of sixty-three of the resident members of the Senate. He stated that fact, not that it could deprive the petition of the weight which it deserved, for he should presently show, that although it came from only a portion of the members of the University, it was entitled to as much attention and respect, as the petitions which usually came from the general body. The petition, as he had already stated, was signed by sixty-three members of the University—one only of whom being a non-resident member. That gentleman was Professor Babbage, whom it was only necessary to name to the House, to give force to a document which spoke the opinions of men of literature and science. The number of resident members of the University did not exceed, he believed, 180. No doubt, his right hon. friend (Mr. Goulburn) was better informed upon that point than he could pretend to be; but, as he understood, the resident number of members of the Senate did not amount to more than 180, and the number of members who had voted in the Senate on ordinary occasions, did not exceed 150. Thus, there were sixty-three resident members of the Senate, out of 150, whose names were attached to the petition, praying, that the Dissenters might be admitted to the benefit of academic degrees in the University. Nor did he rely upon their numbers, only; for he was prepared to show, that the petitioners were men, not only distinguished for their moral worth, but for great collegiate usefulness, and for having obtained high University honours. Besides the sixty-three petitioners, there were, he believed, ten or twelve members of the Senate, who fully concurred in the prayer of the petition, but who, from peculiar reasons, declined to sign it; and, therefore, the document might fairly be taken as the petition of more than one-half of the general body of the resident members accustomed to vote in the Senate. He considered, however, that on an occasion of this description, the mere number of signatures to the petition was, after all, of less importance, than the stations and characters of the individuals who had signed it. If he should have the misfortune of encountering the opposition of his right hon. friend, on the prayer of this petition, he was quite sure his right hon. friend would fully concur with him, in bearing his testimony to the academic attainments, high character, and moral worth of the petitioners. However his right hon. friend might differ from him as regarded the prayer and object of the petition, he was sure, at least, that his right hon. friend would agree with him, as to the high characters of those whose respectful prayer he recommended to the consideration of the House. It was hardly necessary to recapitulate the names of the persons whose signatures were attached to the petition, for they have already been stated elsewhere; but when he found among the subscribing professors, the names of Airy, Babbage, Sedgwick, Musgrave, Lee, and others, he was entitled to say, that no petition from the scientific world of Cambridge could be more respectably signed. When, in addition to these eminent and distinguished men, he found the names of eleven tutors, and, among the names those of Peacock and of Thirlwall, he was not, he thought, estimating too highly the importance due to a petition, emanating from men of the highest attainments in literature and science—all of whom were deeply pledged and deeply interested in the welfare of the University, and responsible for the due administration of its affairs. His right hon. friend could but agree, that men more respectable for their high attainments and their private worth could not be found in any country in Europe. They commenced their petition—as they were entitled to commence it—by declaring their honest and sincere attachment both to the Established Church and the University. They were entitled to express this attachment, because no individuals had exerted themselves with greater zeal and effect, in upholding the character both of the Church and the University. In proof of this, he would just mention that Professor Sedgwick, one of the petitioners, who was now so anxious to open the doors of the University to Dissenters, had, within the last year, made the most eloquent, the most triumphant, and unanswerable defence of the character, studies, and pursuits of our University. Nor did he think, that the Professor, in that admirable defence, had given a stronger proof of the honesty and purity of his attachments to the Church and the University, than in lending his name and authority to the subject of this petition. What became of the argument, then, which some persons might urge, that the interests of the University and the Established Church required that the exclusion of the Dissenters should be perpetuated? Here was an avowed and zealous champion of the Church, deeply interested in the welfare of the University, ready—nay, anxious to admit them. Looking at the origin of the disabilities of which the petitioners complained, let the House not suppose, that these exclusions were the work of our early Church, or that they were coeval with the Reformation. They did not originate in the days of Edward 6th or of Elizabeth. They were not the work of the Cranmers, the Ridleys, the Latimers, or of other founders of Protestantism—those who were at once the champions and the martyrs of the Church. No; the exclusion of the Dissenters from the honours and privileges of the University of Cambridge was reserved for later days—for a monarch who, in state affairs, laid down the doctrine of "kingcraft," and whose religious wisdom was exhibited at the conferences of Hampton Court—a monarch who added to the literature of his country, a Treatise on Demonology, and who declared that the service of the Established Church was but a bad mass, and only required the lifting up of hands to make it rank Popery. It certainly was not from such a source that our Church could derive any great blessings: but, how did the exclusion work its way? Prior to the reign of James 1st there had been no exclusion whatever from a University degree, by reason of any religious test. In the year 1507, the Statutes of the Universities were consolidated by Queen Elizabeth; and this was a period, be it remembered, when test oaths were scattered so unsparingly, that even a test was imposed on all midwives, who were prohibited, under certain pains and penalties, from performing the ceremony of baptism with rose water, or any other confections. Yet, at this period, when oaths of office were so extended, no religious test whatever was imposed on Dissenters at the Universities, and there existed no legal impediment to prevent them from enjoying the benefits and privileges of the University. Among the documents in existence to prove the non-existence of any test, there was one which was conclusive. He referred to the Royal Letter written in 1613, and addressed to the University of Cambridge, which had been laid upon the Table of the House; it was in these words:—"Understanding by your private answer made unto our challenge, that there is no established decree or ordinance for the denial of degrees to such as refuse to subscribe," &c. Here was a distinct admission from the King himself, made on communication with the University, that no religious tests were at that period demanded. What, then, did his Majesty command? Having taken some dislike, as he stated, to a certain Mr. Burgesse, who had obtained a degree of Doctor of Physic, his Majesty proceeded to do—what? Not to introduce the present system—Oh no! he did not go quite so far; though, in effect, he acted upon the same principle. The letter went on to state:—"In signification of our dislike of the degree of Doctor of Physic, granted without subscription to Mr. Burgesse, who, on a humour of schism or faction apostatizing from his orders, hath taken himself to physic." And then the letter proceeded to direct that a grace should be passed, requiring subscription from Bachelors of Divinity, or Doctors of Law, Physic, or Divinity; and to ordain, that no persons whatsoever should be admitted who had not subscribed to the three articles of the 36th canon. The logic of the decree as applicable to Mr. Burgesse, does not seem to be very accurate. The royal mandate was not justified because it protected the Church from schism, but because it might save an apothecary from heterodoxy. The King did not shrink from the dangers which an heretical physician might entail upon the Church, but he seems to have been alarmed at the dangers which a latitudinarian physician, quitting the Church, might inflict on his patients. What connexion there could be between prescriptions and the Thirty-nine Articles, he could not perceive. It was important, however, to see how his Majesty followed up the spirit of his letter. He directed the University to pass a law or grace to carry that letter into immediate effect; and, accordingly, the University passed a grace, imposing religious tests upon Doctors of Medicine, and Doctors of Law and Divinity. Matters rested thus until the year 1616, when his Majesty visited the races of Newmarket for his amusement; and, thinking that he might blend business with pleasure, he deemed it a fitting occasion to revise the laws and regulations of the University of Cambridge; and he accordingly wrote a second letter to the heads of the University, in which he directed that religious tests should be taken by all persons qualified to take degrees in the schools, and ordered that no such degree, should be granted to any person who did not subscribe to the tests required. There was however, one material point connected with that letter, to which he wished particularly to draw the attention of the House. The King did not, in that letter, direct the University to pass a grace, adopting and confirming his instruction. Although he was bound to admit, that this letter was subsequently acted upon, yet it must be recollected that no law was passed by the University to give it effect. It was not very surprising, indeed, that the University should have acted under royal command, for in those days it was well known that his Majesty was in the habit of acting in a somewhat peremptory manner, even with the House of Commons, as its Journals demonstrate. The House of Commons, in those days, did not always display any vehement inclination to resist the King's authority; for although, when his Majesty sent a message to the House, desiring that a conference should forthwith take place with the House of Lords, the House refused to obey the royal mandate; yet, when the King sent a second message, desiring that a conference should take place between the Commons and the Judges of the land, and when there was thus a direct interference on the part of the Crown, with the privileges of the House, the consternation and the astonishment were so great, that none of the Members could, for some time, speak. At length a Member stood up to address the House; but all he ventured to state was, "That the King's command is like a thunderbolt, not to be withstood; or it is like the roaring of a lion, but how and in which manner we are to obey it, is the only question." Now, was it not clear, if to the Commons of England the order of his Majesty was so terrible, that it could only be compared to a thunderbolt, or the roaring of a lion, it was was not at all surprising that the doctors of Cambridge should give a reluctant consent to the orders of such a sovereign? In the year 1641—a period to which he was aware some of his hon. friends opposite would not attach much importance—in that year, 1641, the test was repealed altogether, and it continued a dead letter until the year 1660, when the test was again renewed. He was now merely stating, that which was a matter of history; he did not argue that the test was necessarily improper, because it was repealed in 1641. His argument was this: that the test was improperly imposed in the outset. He was not arguing, because it was set aside in 1641, that it ought to be set aside now; but he maintained, that the time had arrived, when the test of the University of Cambridge should be done away with, whether it was to be effected by legislative enactment, or by the timely concession of the University itself. In 1772, that which before was but an usurpation of the Crown, became, by a new Grace, University law; but in place of calling upon the candidates for certain degrees to subscribe to the three articles of the 36th canon, they were merely required to sign a declaration, to the effect that they were *bonâ fide* members of the Established Church. That Grace was now acted upon at Cambridge, where the law was, that no person shall proceed to take a degree, whether of Doctor or Bachelor of Divinity, Doctor of Law or Physic, without subscribing to the three articles of the 36th canon; and no Bachelor of Arts could take his degree without declaring that he was, *bonâ fide*, a member of the Established Church of England. It might be said, if he objected to these tests as invading religious liberty, that he had argued upon abstract principles against these tests; but he was enabled to prove, that, even at the period when these tests were first legally imposed, they worked most injuriously, as regarded the interests of the university itself, and that the ill effects of the test were felt as soon as the grace of 1772 had passed. He begged to draw the special attention of those Gentlemen, who considered that but little practical inconvenience was felt by the existence of the test, to an important case, which clearly illustrated his argument. It was, generally, a painful infliction on the House to be obliged to listen to an extract from a printed book, but he hoped that the importance of the case under discussion would plead his apology. The case was as follows:

> In the month of January, 1773, Mr. Thomas Blackburne, student of St. Peter's College, having passed the usual examination in his own society, and who, in the senate-house, had applied for the degree of Bachelor in Arts, was rejected. His testimonials and qualifications were as follow:—at the close of the examination, in his own college, the master signed a paper, importing that Mr. Blackburne, with two other persons, had resided for the major

part of such a number of terms as the statute requires. A grace for his degree was then passed in College, which implies an approbation of his moral conduct and proficiency in learning. He appears in the senate-house at the customary hours of examination; and, as he was a youth who had greatly distinguished himself in all the previous exercises, is particularly noticed during the time of trial. He passes through that trial with applause; and, in the judgment of the moderators, and all the examiners, is declared worthy of all the honours which the University is wont to bestow upon approved merit. At the close of this examination, when nothing now remained but what is too frequently regarded as a mere form and ceremony, the conscientious young man hints to the master and tutor of his college, his objections to the declaration required by the grace of 1771, and delivers into their hands the following declaration:—

> "I, Thomas Blackburne, do hereby declare my full persuasion of the truth of the Christian religion, as exhibited in the Scriptures; that I have hitherto communicated with the Established Church, and have no present intention of communicating with any other."

This "supplicat," or petition for his degree, is next presented to the caput; the subscription book is called for, and his name not appearing in its place, the Vice-Chancellor refuses to read his "supplicat," and he is consequently refused his degree.

Was not that example worth all the arguments which could be produced, to show the injustice and cruelty of the so-called "graces." If it were not enough, he could produce many others. Only a few years after this affair of Mr. Blackburne's, a declaration, nearly to the same effect as his, and grounded nearly on the same objections, was signed by many of the under-graduates of the University. These young gentlemen stated, that really they were so occupied with their studies, that they had not sufficient leisure to examine maturely the articles to which they were called upon to subscribe; and they entreated the University, under such circumstances, to consider, that to make them sign a declaration that they were members of a particular faith, was but laying a snare for their consciences; and, therefore, to excuse them from doing so, these under-graduates subsequently petitioned the University for a modification of the law; but the resident senate rejected their prayer. But if the arguments for the abolition of this unjust law had weight at that period, how did they stand now? At that period exclusion was a general principle in our laws. But was he now to be told, that, after repealing the Test and Corporation Acts, this invidious test could still be allowed to remain at the Universities as a barrier against all who were not of the Established Church? The thing was preposterous in principle, and indefensible in practice. It could not be maintained; and if he was called upon to argue this case, he felt that he must almost fight with a shadow. It was not for him to argue that no inconveniences would result from the abolition of those distinctions. The *onus* lay on the other side. It rested with those who argued in favour of restrictions, to show the dangers that were likely to arise if those restrictions were removed. He hoped it would be understood, that he was confining himself to this petition from the University of Cambridge. He was not arguing the case as regarded the University of Oxford. He was not, from personal experience, acquainted with the practice of that University, but he must say, from all that he had heard and understood, the University of Oxford had at least acted with something like logical consistency. They said, "We hold ourselves a part of the Established Church, and into that Church no Dissenters can enter." But what said the Petitioners from the University of Cambridge to the Dissenters? "We have found you, by experience, as good members of our colleges as ourselves; you are as amenable to college rules and discipline as any of the members who belong to the Established Church." But then, said the University to the Dissenters: "You may go through our studies to a certain extent; but beyond that limit you shall not pass." That exclusion was wrong in principle; let the House only see how it worked; let them look to the practical effect of this exclusion. The University could only exclude Dissenters from degrees, and thereby they protected, not the orthodoxy of the colleges through which these Dissenters had already passed, but the orthodoxy of the Bar and of the College of Physicians! They subjected the Dissenters to a disqualification which could not be of any public benefit to Cambridge. Did the case rest merely upon reasoning?—did it depend upon general principles only?—or had they no experience to justify the admission of Dissenters to University honours and degrees? In his mind, one of the most powerful arguments in favour of the admission of Dissenters to the Universities, was the illustration referred to by the learned member for Dublin, with regard to the admission of Dissenters to the University of that city. If the experiment of admitting Dissenters into Trinity College, Dublin, had been tried without any danger to the Established Church;—if this experiment had been successfully made in a country where civil and religious discord prevailed, and where party-spirit ran high—by what process of reasoning could the Dissenters be justly excluded from the Universities of another and a more favoured country, where, undoubtedly, and fortunately, more moderate opinions prevailed? Under the ancient Statutes of Elizabeth, Protestant Dissenters were admitted into the University of Dublin, as in Cambridge, without any religious tests, long before the Act of 1793. In that year, however, an Act was introduced for the purpose of admitting Roman Catholics. That Statute was the Act of Mr. Pitt; it was introduced on the authority of the Government of the day, and, by the provisions of that Act, Roman Catholics were admitted to all the honours of the University, and were only excluded from the offices of Provost and Fellow. This Act, passed by a Parliament of which the Provost was a Member, and to which the Representatives of the College were acquiescing parties, met with no opposition; on the contrary, as far as the University was concerned, there was but one objection. He entreated that the consideration of the House might be directed to the nature of that objection, and to the character of the party by whom it was raised. This objection referred not to the admission of Catholics to degrees, but to the exclusion of the Roman Catholics from the offices of Provost and Fellow; and it was contended by the party who urged it, that no Roman Catholic should, in future, be excluded from those offices. By whom was that Amendment proposed? Why, by John Claudius Beresford; a man, he need hardly say, not peculiarly friendly to the claims of the Roman Catholics. It was true that the Act itself was opposed; and he would read to the House an extract from the Speech in which that opposition was expressed:—It was this, 'God 'forbid that I should ever see the pious 'intentions of the royal founders of the 'Universities frustrated by any perversion 'of the privileges or revenues thereof to 'support or encourage Popery, or those 'hallowed walls made the residence of 'superstition and tyranny. If, however, 'it be determined to open the Universities 'to Catholics, let the British Minister 'first procure an Act of Parliament to open 'the English Universities, and then the 'bitter potion may be more readily swal'lowed by the infatuated and betrayed 'Protestants of Ireland.' If the name of "Dissenter" was substituted for "Roman Catholic," and the term "Atheism" for "superstition," and "treason" for "tyranny," they might read in that speech, so altered, some of the arguments which were now urged against the claims of the Dissenters. Such was the only argument made use of;—and by whom? By no other person than Dr. Duigenan, It was, therefore, the torn and worn-out mantle which had dropped from the shoulders of that character, once distinguished in the annals of Irish bigotry, which clothed and covered those who now opposed the just claims of the Dissenters. He had little more to say on this subject; but he could not conclude without explaining the motives which induced the petitioners to submit their views to the consideration of that House. They followed this course, because, under the present constitution of the University of Cambridge, this question could not be discussed or considered within the walls of the University; and, therefore, it was, that the honourable and respected individuals who had signed the petition, could not be fairly charged with having passed over the legitimate and academic mode of attaining their object; on the contrary, they had been compelled, by the constitution of the University, to appeal to Parliament itself. He admitted, that if within the walls of the University this question could have been considered with hopes of ultimate, if not immediate, success;—if the great principles at issue could have received that calm and temperate discussion which would satisfy the minds of reasonable men, so as to persuade them that, however retarded at the outset, truth must, in the end, prove successful;—if the petitioners could entertain such expectations, and they neglected to submit their complaints to the investigation of the authorities of the University, they might, perhaps, be reproached with forgetting that respect which was due to their associates, and the heads of colleges. To those gentlemen who were familiar with the practice of this University, the reasons must be obvious why the petitioners had not adopted the course thus suggested. But as many hon. Members were altogether unconnected with the University, and consequently were ignorant of the principles by which its proceedings were regulated, it might be necessary to advert to the peculiar circumstances which induced the petitioners to lay their petition before the House. There was, at the University, an authority called the "caput," composed of the Vice-Chancellor, the Heads of Faculties, and two Masters of Arts, to whom all propositions whatever must be submitted before they could even be discussed in the Senate; and the *veto* of any one member of the caput prevented any question proposed from being considered or discussed by the senate. Mr. Hume, in his "Essay on the Peculiar Customs of Certain Nations," had alluded to the *liberum veto* of the Polish Diet, as inconsistent with the functins of any deliberative assembly; and yet such a *liberum veto* existed in the caput of Cambridge, and was used and extended in later times to prevent any proposition which was objected to from coming under the consideration of the Senate. If he were asked why the caput was not tried, he need only state, that his hon. friend (Mr. Pryme), one of the distinguished members of the University, and one who had uniformly directed his attention to its interests, proposed to the caput that a committee, or syndicate, should be appointed for the purpose of inquiring whether religious tests could or could not be dispensed with; and the proposal was at once negatived by the caput. Dr. Hewitt, also a member of the caput, acknowledging, for argument's sake to his colleagues, that religious tests might have something to do with other things, but denying that they should at all interfere with the grant of a medical degree—proposed that these tests should be dispensed with in regard to degrees in the profession to which he belonged. Both these very moderate and just demands were rejected. It was, therefore, very doubtful whether, without legislative interference, the University of Cambridge was ever likely to release the Dissenters from the disabilities under which they laboured at the University. But they were met by the objection, that Parliament had no right to interfere in the concerns of this University. Had not Parliament already interfered;—aye, and to a far greater extent than was now proposed by the individuals who had signed this petition? Were there not upon the Statute-book interferences infinitely stronger than those which they were now called upon to discuss? He asked the House to recollect, in reference to this part of the question, the Statute of Elizabeth, by which Parliament proportioned the corn rents; and which was framed not merely with the view of protecting the property of the University, but which was passed to regulate the appropriation of the revenues of the several Colleges; and which stated how much ought to be given for the commons of Colleges, and how much for other uses. Therefore, if the House were referred back to ancient usages—to the wisdom of our ancestors—on historical grounds, it could not be doubted that Parliament had the full power of interfering by a legislative enactment with the practice or regulations of this University. There was likewise the Irish Act of 1793, which was passed, not at the request of or by the consent of the College of Dublin, but by the Irish Parliament on its own authority, and on general grounds of policy and expediency; and which removed the disabilities under which one great class of the King's subjects laboured, in consequence of their religious belief. He begged further to call the attention of the House to another fact: in the year 1771, when it was proposed to excuse persons applying for a Bachelor of Arts degree from subscribing to the tests, the Caput declared, that it had no power to make so material a change, or undertake so great a measure, without a solemn decision of the legislature. He had no positive authority for that statement, further than that which was derived from contemporaneous writings, and uncontradicted controversies of the day. Now, however, the cry was raised,—"Parliament has no right to interfere—it cannot infringe on the privileges of the Universities;" and those who maintained the cause of the Dissenters were declared to be poachers on the University manors; and were warned off as trespassers after notice. These two statements were not both defensible. Parliament could not be at once the proper tribunal to appeal to, and an authority which had no right to interfere. If the House were directed by the principles which governed former Parliaments, the Parliament had the right, if it chose to exert it, to remove those exclusions to which the Dissenters of this kingdom were subject; and the example of the northern part of the island proved that it could be done without danger or inconvenience. Surrounded by gentlemen from Scotland, he asked them whether the Universities of that country imposed any religious test whatever? They had, he believed, no exclusive tests of any description. Were the honourable Members from Scotland, however, less influenced by religious principle, than the English and the Irish? Or were they not, on the contrary, as strenuously prepared to resist as fervently, any encroachment upon the confession of Westminster, as the members of the Church of England would be to oppose the abolition of any one of the Thirty-nine Articles? Had the members of the Scotch Universities found any inconveniences, either in respect to discipline, or on the ground of religion, result from their admission of all persuasions of Christianity? They had, therefore, the examples of Scotland and of Ireland: at the Universities of both countries there were no religious tests required; and could it be said, that the University of Cambridge ought any longer to exercise a privilege founded upon a system of exclusion, so unjust and harassing? It had been said, with regard to the civil grievances under which the Dissenters laboured, that some regulations should be adopted with respect to admissions to the professions of law and physic, rather than to alter the constitution of the Universities; and it was maintained that the University was a Corporation which could not be fairly interfered with. He really thought it was now rather too late to introduce any argument of that description. Let it be stated, that the cause of the Dissenters was either just or unjust, reasonable or unreasonable, and he was prepared to argue the case; but it could not surely be urged that if the claim were reasonable, it ought not to be granted, because it interfered with a Corporation? It could not be stated, that though a measure was right, and would, if carried into execution, be generally beneficial, yet that it must not be effected, because it might trench upon the supposed privileges of an institution. Such arguments, appeared to him, exceedingly weak and unsubstantial, and most contradictory, when the House was called on in the same breath not to interfere with one Corporation because it was a University, and was invited to interfere with another Corporation because it was called the College of Physicians. He was sure his right hon. friend (Mr. Goulburn) would not speak with unkindness or disregard of the religious or conscientious scruples of the Dissenters. Whatever faults his right hon. friend might impute to them, he was convinced, that the want of sincerity, and earnestness in religious opinions was not one which could be fairly urged against them. Of one thing he was sure, that his right hon. friend, amongst the various grounds upon which he might rest his objections to the petition, would not express any belief that among the Dissenters could be discovered a sect of Atheists. However his right hon. friend might lament their differences on ecclesiastical points, he could not but feel, that these differences, coupled, as they often were, with great temporal sacrifices, were the result of sincere and honest conviction on their part. He was sure, too, that his right hon. friend would not state what he had seen in print in reference to the petition,—namely, that there were not attached to it the signatures of the eightieth part of the members of the University; his right hon. friend would not confound the under-graduates with the members of the Senate. If they did not grant the petitioners their prayer—if they did not allow the Dissenters to enjoy that privilege to which they were entitled, and the concession of which would only be a recurrence to the old principles of the constitution of the University of Cambridge—if they did not remove the disabilities of which the Dissenters now complained—how could they be prepared to meet those difficulties which such an obstinate course of policy must inevitably occasion? Would it not be the grossest of all acts of injustice, if they both refused the admission to the Dissenters within the present Universities, and refused them the means to establish Universities of their own? Were they not bound to remove all the difficulties which stood in the way of the Dissenters' founding Universities for themselves? They must, and would have education. It was not in the power of the senate of the University—it was not in the power of the caput—it was not in the power of the House, if it were so disposed—to deprive the Dissenters of the means of education, and of acquiring knowledge. When the mind was intent upon that object, they might try every means to check its expansion—they might follow the example once set in Ireland—they might prohibit home-education, and render penal all foreign education—they might use every effort to exclude the hallowed light of knowledge from the mind;—but, despite all such exertions, there was a Power (and they ought to be grateful to Providence that it was so)—there was a Power above them which proclaimed that, for "the heart of man to be without knowledge, it is not good." If they excluded the Dissenters from the national Universities, they must not only tolerate, but encourage the formation of institutions for the education of the Dissenters. What would be the consequence? Had they not read an instructive lesson on this subject in the history of Ireland? Instead of imbibing those principles of tolerance, and those feelings of Christian charity which a joint system of education would necessarily produce, the Dissenters would, if their reasonable requests were not complied with, be justified in forming themselves into distinct classes, and a spirit of hostility would be engendered, by the influence of which they would become more and more estranged from the doctrines and the authority of the Established Church. He owned, that he was not so fearful for the integrity or permanency of the Church, of which he was a sincere member, as to suppose that the tendency of the admission of the Dissenters into the Universities, would be to seduce the members of the Established Church from their faith and opinions; on the contrary, as one most anxious for the stability of the Church, he affirmed, that such a measure, as far as he could form an opinion on the subject, would have a tendency in the opposite direction. He did not advance that supposition as an argument in favour of the petition—he did not rest his recommendations of the claims of the Dissenters on the ground of proselytism; but he could not help expressing his conviction, that the prevalence of the doctrines of the Church, and the stability of the Church, would be increased and confirmed by the adoption of that combined system of University education, which the respectable and intelligent petitioners had called upon this House to sanction. He ought to apologize to the House for having trespassed so long upon its attention; but the importance of the subject, and the high honour conferred upon him in having had this petition intrusted to his charge—an honour, coming as it did, from the University to which he belonged—which he could not overstate;—had induced him to dwell upon the subject at such length. To the advocates for an adherence to the practices of ancient institutions, he would say, "Seek your model during the best period of our Church history;—take your principles from the reign of Edward and of Elizabeth, rather than from that of James 1st, and regulate the establishments of the University by the rules laid down and acted on at Cambridge in better times." To those solicitous for the advancement of literature and science, but who wisely connected with literature and science the great interests of religion and morality, he would say, "Look at the names attached to this petition—the names of men eminent for piety, distinguished in every branch of human learning,—and then ask yourselves how can you justify any hostility to the claims of the Dissenters, when those claims come recommended to your notice by this petition." On what reasonable grounds did they venture to differ from those great and eminent men? To those whose peculiar anxiety was for the preservation of order and of sound collegiate discipline, he would merely say, "Cast your eyes over the list of the College tutors subscribed to this petition, and you will find that those of the greatest experience and authority are favourable to it." In whatever light the question was regarded, it must be considered one of the highest importance—an importance which was, if possible, augmented to a still greater extent, by the fact that this petition in favour of the claims of the Dissenters, was signed not merely by members of the Established Church, but by those who were connected with its ministry; and if, with this fact before them, there should be any of the Dissenters so unjust or unwise as to raise an outcry against the Established Church, it could be shown them, not only that they injured their best means of final success, but they would prove their ingratitude to the sixty-three members of the Established Church, who had prayed the Legislature that the monopoly which they themselves enjoyed should cease, and justice be done to the Dissenters. Sooner or later the subject must be discussed with a view practically to remove the grievances of which the Dissenters complained; and in the mean time he would entreat the House to prepare their minds for a calm, deliberate, and dispassionate view of the subject, by taking the petition into their serious consideration.

Mr. *Goulburn* said, that being connected with the learned body in whose name the petition had been presented, he felt that it was not requisite to solicit the indulgence of the House whilst he entered into the subject of the petition, and whilst he endeavoured to state fairly and candidly what was the origin of the petition itself, what was the real object of it, and what were the sentiments which he entertained upon the views of the petitioners. Although his right hon. friend had expressed an opinion, that his petition would not meet with a favourable reception, he must have done so inadvertently. His right hon. friend surely could not have meant to do such an injustice to the House as to state that a petition upon a most important subject, signed by sixty-two respectable and even eminent individuals, and couched in language perfectly decorous and respectful, could be presented in its proper manner, and be opposed by any Member of the House. As far as he (Mr. Goulburn) was concerned, he could only say, that such an idea had never entered into his contemplation. He would, at once say, that he entirely agreed with his right hon. friend, that the petition which he had been intrusted to present was signed by Gentlemen in every respect as unexceptionable as any in the University of Cambridge. He agreed with him, that amongst the signatures were to be found the names of men distinguished in every branch of scientific and literary attainments; of men whose characters were not to be raised by any observations made in that House, because they were already eminent by their acquirements, and by their great and successful exertions in the cause of science, and by their general endeavours to advance the interests of all that came within their sphere. He might add, that he was proud to number some of them amongst his personal friends; but though he respected them much, he must canvass their opinions freely. His right hon. friend had told the House, that this petition was very numerously signed by resident members of the University. His right hon. friend had told them, that the petition had been signed by two heads of colleges, by ten professors, and by eleven Gentlemen connected with the University. He admitted, that it was signed by two out of seventeen heads of Colleges, by ten out of twenty-five Professors; and it was signed by eleven out of seventy-four gentlemen who were engaged in tuition in the different Colleges. The House, therefore, would see that out of 116 persons composing the classes referred to, the petition had been signed by twenty-three. Let not the House think that he said this to undervalue the Gentlemen who signed the petition; quite to the contrary; but when the right hon. Gentleman told the House, that it was bound to give implicit deference to the opinion expressed in the petition on account of the numbers, rank, and situation of those who signed it, it was incumbent upon the House to bear in mind the greater number of those whose signatures had been denied to it. Those signatures had not been denied to the petition for want of solicitations, but purely out of difference of opinion formed after the most careful examination and most attentive consideration of the subject. He meant to cast no slight on those who had signed the petition, when he said, that amongst those who had refused to sign it, were many who would not be ashamed to stand in comparison with them in point of science and importance. No man could be more respectable than Mr. Peacock; but he himself would be the first to allow that there were others in the College of which he was an ornament, men of the greatest respectability, whose names were not appended to the petition. This petition certainly came to the House recommended by the high respectability and attainments of the names appended to it; but still it did not come with the weight which the House had been accustomed to give to the petitions of the University itself, for it was, in fact, signed but by a minority, a small minority, of those classes to which the right hon. Gentleman had particularly adverted; a small minority of resident members, and a still smaller minority of the whole body corporate. But it was more important that the House should refer to the prayer of the petition itself, than that he should enter into any further discussion as to the persons by whom it was signed. It seemed to him that the prayer of the petition in some instances had been misunderstood. The Noble Lord, the Chancellor of the Exchequer, who had first intimated that such a petition was ready for presentation, had represented it as a petition which prayed the House to accede to the prayer of the Dissenters. Now, those who signed the petition, so far from going to the length of acceding to the claims which had been preferred in the petitions of the Dissenters, had taken a course at utter variance to them. They had, at the very threshold of the discussion, announced that they were amongst those who would not consent to accede to the claims of the Dissenters, but would give them the most determined resistance and opposition. The petitioners had told the House, that they most distinctly disclaimed all intention of interfering directly or indirectly with the private statutes and regulations of individual Colleges. What were the claims which the Dissenters set up? They unanimously claimed to be admitted to all the full privileges, benefits, and advantages and emoluments of the University. They claimed with respect to these to stand on the same footing as members of the Church of England, and as these benefits included the endowments of Professorships and Fellowships, the protection which the petitioners would still give to the private statutes of the Colleges, was a decided bar to the claims advanced by the Dissenters. Let it not be thought, then, that the Gentlemen who had signed the present petition were advocates for the claims which had been urged by the Dissenters. If the Dissenters should urge their claims to participate in the emoluments, honours, and privileges of the University, he believed that the petitioners would be as firm in opposing those claims as any members of the University whatever. The real prayer of the present petition was, not what the Dissenters demanded, but that they should be admitted to take the degrees of Bachelors, Masters, or Doctors in Arts, Law, and Physic; and he begged the House to remember the limited extent to which the petition carried these concessions. He particularly begged the House to do so, because the right hon. Gentleman had stated, not intentionally, he was sure, but inadvertently, that the petitioners had recommended that the Dissenters should be admitted to all the degrees of the Senate; but this was not the petition which was strictly confined to arts, law, and physic. He however had no hesitation in saying, that it appeared to him, that, even to this limited petition the great body of the University was most decidedly opposed. He was not one who was bigoted to the principle of resistance to the just claims of the Dissenters, nor was he for excluding them from the advantages which the Churchmen could with safety to their own consciences allow them; but he was opposed to the present petition upon the principle, that the Universities of the country were places for the education, not only of Members of the Church, but for the education of all those who came to them for any instruction in the doctrine of the Church. If it were impracticable, consistently with the discipline of the University, to grant the concessions which it was the desire of the petitioners to make, it would be perfectly a waste of time to enter now into a discussion of general principles, which it would be impossible to carry into effect. His right hon. friend had justly stated, that the University of Cambridge was at the present moment open to the education of Dissenters from the Church of England. There was no bar whatever in the University of Cambridge to the Dissenters having every advantage which the education there could possibly confer on them—to their having access to every branch of knowledge, to their having their education superintended by the most distinguished characters which the country could afford—there was no bar to their having every assistance in the prosecution of their studies, and to their reaping those mathematical distinctions which sent a man forth with the stamp of abilities and the reputation of knowledge, and which proclaimed him to the world as a man distinguished by his attainments. The acquisition of such honours gave weight to men in their subsequent struggles through life. The letters A.B. or M.D. added to their names were of comparatively little value, and did not make them known as men of superior acquirements. The system followed at Cambridge University gave the Dissenters every advantage which it afforded to the members of the Church of England. That University was a Church of England Establishment, with all the toleration and liberality which had ever distinguished that Church, and it was willing to extend to every man, whatever might be his faith, all the benefits which could be derived from its institutions, consistently with the safety of the original principles upon which it was founded. The University permitted Dissenters to come within its walls to accept of its education; but it also attached to this privilege the condition that they conformed to the existing system of discipline, which was based on the doctrines and principles of the Church of England. Of that they could have no reason to complain, because they came voluntarily to an establishment with a full knowledge of its principles, and of the terms on which its advantages were to be obtained. If it should be determined, that the Dissenters were not only to have their present advantages, but that they were to be admitted to take degrees, and by taking degrees to become a portion of the governing body of the University, such a change could only be effected by the forcible interference of Parliament, for that change never would be effected by any act of the University itself. Such a change would alter the whole character of the institution. Such a change would proclaim that the institution had not been formed by members of the Established Church; that it was not intended to direct the education of the members of that Church; that it was not confined to the provisions of its members, whether lay or ecclesiastical; but it would proclaim, that it was an establishment formed for general education. Yes, he said, for general education, without any reference whatever to religion, in all, all had a right to participate. When once the House had laid down that principle, he would beg leave to ask any man—and he appealed to the hon. Gentleman opposite as one conversant with the education pursued there, (Mr. Pryme), if the object of the petition were to be gained, how would it be possible to carry on the education of the University? Would they, when the change was made, continue to educate on the present system, or adapt the system to the change which would take place in the governing body of the University? At present the University was a seminary of sound learning and of religious distinctions. Yes, a seminary of religious distinctions; and most unfortunate would it be if the character of the University were, in this respect, to be in the least degree altered—woeful would it be if the body to which was intrusted the education of so large a portion of the youth of the country were ever to set the example of separating education from religion—woeful would it be, if it were to confine instruction exclusively to the propagation of what was vulgarly called knowledge, which was knowledge without religion, and was not the sound instruction which the University now dispensed. If it taught science and excluded that which alone was a saving religion—which fitted a man for the ultimate object of his being—if it were to frame the course of study with a view to meet every varying doctrine which fanaticism or superstition from time to time might originate, not only of every Christian sect, but of the Unitarians and all others which could not come within the line of Christianity;—if it were to forsake the rules of the Church,—how could any man answer for any one principle which might be taught? The experiment had already been tried in this country of setting on foot a liberal University, a University of which the object was to admit all persons indiscriminately, without reference to the religious tenets of those who were willing to share in the education of the place. What had been the effect? Why this liberal University, as it was called, had been obliged to exclude religious instruction altogether. Did the House mean then to adopt the prayer of the petition, and with it to adopt the course of this liberal University? Would the House, he asked, thus take upon itself to unchristianize the country? At the present moment the University of Cambridge was labouring most anxiously to get rid of that objection which had been made against its system in the year 1777. His right hon. friend had told the House the story of a young man in 1777 who had been so ardent in the study of the abstract sciences that he had not had time to inform himself as to the religious doctrines to which he was called upon to subscribe before he could take his degree. He admitted, that the system which had been pursued showed a really enormous defect; but the University, from that time to the present had been constantly improving in its course of studies. It no longer required a subscription to that which no man had an opportunity to study. At the moment at which he had the honour of addressing the House, all who were called upon to study any branch of knowledge had to share in the study of the doctrine of the Established Church, and to attend with regularity to its rites and ceremonies. Would the House wish the University to abandon this? If they meant to do this, he could tell them, that those who had signed the present petition meant nothing of the sort. The petitioners were members of the Established Church; and he could only express his regret that they had not told the House how they intended to conduct the education of the University, if their plans were pursued. Was the House prepared to abandon the religious instruction of the Universities, and make them the seats exclusively of profane learning? He, at least, would protest against such a doctrine as a Member of that House. He protested against it as a Representative of the University; he protested against it as a member of society; and, above all, he protested against it as a father, for never would he intrust a son, at a time of life peculiarly sensitive to impressions, to be educated at any institution which did not accompany the scientific studies with instruction in the principles and doctrines of religion. In that University, where general principles of indiscriminate admission were adopted,—in that University where prevailed that indiscriminate system of education, without any reference to religious principles whatever,—what, he asked, had been the consequences? In order to get over all difficulties, the students were made to reside, not in the University itself, but under their parental roof, where the deficiency could be supplied. It was not thus at the University of which he had the honour to be a member. There the students were separated from their family connections; they were separated from all who had previously the charge of their religious education, and they were left, at the most critical period of their lives, without parental instruction in any sound principles to guide them in the most critical period of their lives. Was not the University bound to supply this want, and to afford the religious instruction to the youth? Could it be supposed that the harmony of the University would be increased. Was it to be supposed that the consciences of men would be much relieved, by avoiding all religious instruction as the consequence of discarding all religious distinctions? Did the House suppose that, if it admitted Dissenters into the University, and told them that they were to become a part of the governing body, but that they should attend the worship of a religion in which they did not believe, that this would increase the harmony of the general body? If they were to tell the student, "Of whatever faith you may be, you must attend the worship of a religion you do not believe; you must be instructed by men best calculated to instruct you in the doctrines of the Church of England; you shall have the canons expounded, and the Scriptures explained according to the Church of England; the religion of this Church shall be explained, to you; you must not be absent from lectures;"—was this, he asked, likely to benefit the conscientious scruples of men admitted indiscriminately to the University, or was it calculated to promote harmony within its walls? His right hon. friend had referred to the case of Ireland, and yet he was well aware of the disputes that had arisen in that country, as to whether the Roman Catholics could conscientiously attend with Protestants to hear the Gospel read according to the Douay version. Notwithstanding this, his right hon. friend proposed that all sects should read indiscriminately at the University, but, he asked, how were they to read? Were they to read according to the established version, and were they not to have the instructions of a master to point out the fallacies of the Church of Rome, or of any other Church to which some of the parties might belong? Were members of different sects to have these errors exposed to them, with all the weight of age, over the young mind; with all the weight which Church of England men would have the power to enforce? When he was told, that the University was to adopt the system proposed in the petition, he was bound to confess, that he did not see his way clear; and he wanted to hear from some of the Gentlemen who were anxious to be admitted to the privileges of the University, and to form a part of the governing body of that great institution, while they did not profess its creed, how they proposed afterwards to carry on the discipline of the University without involving themselves in difficulties ten times greater than any which existed at present, and without creating dissensions, which, at the present moment, were unknown. Having stated the substance of the principal difficulties which stood in the way, he wished to say a word with respect to the disadvantages under which Gentlemen might labour in the world in consequence of the tests or disqualifications which existed at the Universities. These disadvantages, he took it, related to the two professions of law and medicine. The Gentleman who had taken a degree at the University was entitled to the advantage of two years of time, if he entered into the profession of an attorney or barrister, or on becoming a licentiate of the College of Physicians. Other persons were not allowed these abbreviated terms, and, he believed, that this was the extent of the disqualification of which the Dissenters had to complain. He must be allowed to state, that these disqualifications resulted from the acts of the professional bodies, of the members of the Inns of Court and of the College of Physicians, and were totally distinct from, and independent of, the Universities. The profession of attorneys was willing to give an additional advantage to educated men, and had pronounced that two years less attention to professional studies would be required of all gentlemen who had studied at one of the Universities. The Benchers of the Inns of Court and the College of Physicians had done the same. The taking of a degree was the test of an advancement in education which these learned professions required. If any difficulty existed on this score, it might be remedied by a mere announcement that a certain residence at the University, with a testimony of studies, should be deemed a qualification by the two learned professions. If either of these bodies were to admit only so small a change in their respective regulations as to make a residence at the University an evidence of qualification, instead of a degree, they might ransack the world, and not be able to find a single evil of which the Dissenters could complain in the Statutes of the Universities. Notwithstanding this, the House was called upon to change the system of those bodies—a system which could not be changed without overthrowing the whole education of the Established Church. If they looked to the probable result, it would not benefit the Dissenters, but it would injure the Universities. The small minority which had signed the petition, complained too that a single member of the governing body had the power to negative any proposition; but, he would ask, if this were not the case, would not the governing body be perpetually agitated by religious disputes? Would not Gentlemen bring forward Motions for Graces, and perpetually disturb the University on the subject of shades of difference in religion. He would not advert to the time at which the University regulations with respect to the subscription to articles were adopted, for this he deemed altogether unnecessary. He supposed, that his right hon. friend had not urged this topic with any view to throw a doubt upon the legality of the proceedings of the University; for, if his right hon. friend doubted the legality, he knew of other and better means than those he had pursued to bring the question to issue. If, in the year 1834, they were to discover a certain flaw in an instrument, because, in 1613, the then King, going to Newmarket for amusement, thought fit to send a missive to the University, this would establish a doctrine which would go far to invalidate the security and tenure of all property. He was sure that the right hon. Gentleman would not wish to give weight to the present petition from this circumstance. He knew no title to property or to privileges, or to any species of honour which might not be invalidated, and overthrown, if men were to go back two centuries and a-half, in order to scrutinize the forms, motives, or reasons which led to the adoption or the grant of the matter inquired into. He would not trespass upon that House with any discussion upon the constitution of that learned body of which he was proud to say he had the honour of being a member. It was exceedingly desirable, in his view, to prevent perpetual agitation in the University, and the *veto* of the Caput had that effect. If any man had good reason to complain of the Caput, it was the individual who was then addressing them. He would take upon himself to say, that many occasions had occurred on which the constitution of that body had given to the public an impression that the University was acquiescent on particular public questions, when, but for the *veto* enjoyed by one member of the Caput, the members of the University would have petitioned the House in favour of the views which he advocated. He had said nothing, he hoped, to intimate that the present petitioners had been actuated by any other motive than that of a desire to submit to Parliament the views they took of the question. In giving to those who were opposed to him full credit for sincerity, he hoped the House would not give to the petition a greater weight than was its due. The numbers of those who had signed it, compared to the numbers who had not—of men no less eminent or sincere—would, he trusted, have its due weight with that House, and obtain for the petition only that credit which was due to a small, but respectable minority of the members of the University.

Mr. *Pryme* said, that having been referred to by the right hon. Gentleman who had just sat down, he felt himself called upon to offer a few observations to the House upon the present occasion. In the first place, he begged to state, that religious instruction was at the present period much more extended in the University of Cambridge than formerly, but it was confined to instruction of a general rather than a controversial character. To the course of examination on religious topics now pursued, no man, whatever might be his tenets, could object, for it was so general as almost to be interesting as matter of history. All matters of controversy were carefully abstained from under the present system; which had been adopted about fifteen years ago. At that period a revision of the course took place, and several plans were submitted for adoption, and amongst others was a course in which Bishop Jewell's Apology for the Church of England was included, but was considered as being of too controversial a character; but after some years it was adopted partially, the books which had a controversial tendency being struck out of the course of examination. He could not conceive that any Dissenter could object to go through an inquiry into points of faith, or to receive instruction in the Gospels from which he professed to take his doctrine; so that religious education would not necessarily be neglected by the change which the petitioners proposed. It could not be denied, that it was most unjust, after allowing the Dissenters to study and go through the usual course of instruction, to deny them the certificate which their attainments entitled them to. It was absurd to suppose that any change could be effected in the Constitution of the University by admitting Dissenters to places in the Senate.

The *Speaker* intimated, that the approach of the hour at which, pursuant to the Resolution of the House, he should leave the Chair, made it necessary to adjourn the debate.

The right hon. Gentleman left the Chair, and the debate stood adjourned.

DEANERY OF DOWN.] Mr. *Littleton* brought up a Memorial from the reverend T. Plunkett to the Lord Lieutenant of Ireland. In moving, that it be laid upon the Table, he wished to submit a few observations to the House. He was quite sure that the House would bear in mind what had passed a few nights ago on the subject of the appointment of the reverend T. Plunkett to the deanery of Down, and would not think it unfair if he begged its indulgence for a short time. He was desirous of taking this course, solely because remarks had been made on the conduct of his noble friend, Lord Plunkett, which no man would think ought to be passed over without an answer. He should not have delayed the explanation so long, had he not daily expected to receive the memorial, a copy of which he now presented, and the presentation of which seemed to afford the fittest and most becoming opportunity for making the desired explanation. His right hon. friend, in the Motion he had submitted the other night, did not in express terms speak of Lord Plunkett as having recommended his son to the deanery of Down, nor did he in express terms advert to the details of the Report to which the signature of Lord Plunkett was undoubtedly attached; but nobody who had heard him could receive any other impression from what he said than this—that Lord Plunkett, having been thoroughly apprised of the alteration as to the deanery of Down, recommended by the Report of the Commissioners, had, notwithstanding, recommended his son to the Government as a fit person to be appointed to that deanery. The right hon. Gentleman would not deny that such was the natural inference from his observations. There were two points in the case; first, the statement, or rather the implied statement, that Lord Plunkett had recommended his son to the deanery of Down. This was the first point; and as what took place in the House of Commons was almost immediately known through the ordinary channels elsewhere, it no sooner reached Lord Grey than he (Mr. Littleton) was informed by his Lordship that Lord Plunkett had made no application to him for the deanery—that the appointment was the unsolicited and gratuitous act of Lord Grey and of the English Government. He had afterwards had an opportunity of perusing a letter from Lord Plunkett, which appeared to be written on the first intimation he had received of the intention to appoint his son, and that it came from Lord Grey, who stated his desire to confer the deanery upon the reverend T. Plunkett, to which he had been stimulated by his respect for his friend Lord Plunkett, and by the excellent character he had heard of his son. Lord Grey seemed to think it not too much, that the son of the Lord Chancellor of Ireland should be honoured with such an appointment. This statement would probably be sufficient to satisfy every hon. Member that Lord Plunkett had had nothing to do with the nomination of his son to the deanery of Down. It might then not unnaturally be asked why Lord Plunkett, knowing the contents of the Report of the Commissioners had allowed his son to accept the deanery? On that point, he (Mr. Littleton) begged to call the attention of the House to this brief statement. The Commission, consisting of six Bishops, the Lord Chancellor of Ireland, *ex-officio*, and two or three other persons, passed the Great Seal in the month of July. Early in December following, Lord Plunkett was appointed Lord Chancellor of Ireland. The Commissioners did not immediately set to work, and Lord Plunkett never attended any of the preliminary meetings; he had very serious and onerous duties to discharge elsewhere; while in Ireland his Court required his daily presence, and during a great part of the year he was in this country discharging his parliamentary duties. He had, therefore, never in a single instance attended any of the sittings of the Commissioners; he was totally and entirely unacquainted with their proceedings, further than that he knew they were acting in complete accordance with the principle which led to their appointment by his Majesty. Of the evidence taken by them, and of the results to which that evidence had led, he knew nothing. It might not unnaturally be asked, why Lord Plunkett signed the Report of the Commissioners? He had been very averse from signing it; but on its being earnestly represented to him that his refusal to append his name would, considering the situation he held, throw suspicion on the character of the whole proceeding, and lessen the weight of the recommendation in the Report, and understanding also distinctly from the Commissioners that he should not be pledged to more than the general principle, being ignorant of the details, he did consent to sign it. Whether in so doing Lord Plunkett acted wisely or not, was not the question he (Mr. Littleton) had now to argue. It was simply necessary for him, in presenting Lord Plunkett's case, to state that from the first he had made no application for the nomination of his son—that it came upon him as a matter of great surprise—and that, at the time he permitted him to accept it, he was uninformed of the recommendation of the Commissioners, respecting the disappropriation of the tithes of the deanery of Down. Lord Plunkett was not apprised that any difficulty had occurred in the appointment of his son until the Midsummer following, when the then Chief Secretary (Mr. Stanley) informed him of the embarrassment of the Government, and of the impossibility of making an unconditional appointment in the face of a Report recommending the disappropriation of the greater part of the revenues of the deanery of Down. Upon this, what did Lord Plunkett do? He instantly, and without a moment's hesitation, while he expressed his surprise that he was unacquainted with the fact, admitted it was necessary that his son should consent that Government and Parliament should be at liberty to treat the deanery as vacant, and he did consent that a clause should be inserted in the Bill then in contemplation to enable the Ecclesiastical Commissioners, the Lord Lieutenant of Ireland, and the Privy Council so to treat it. What, then, were the simple facts? Lord Plunkett knew nothing of the appointment of his son—he was unfortunately ignorant of the proceedings of the Commissioners, and the recommendation of their Report; but the moment he was informed of the real state of the case, he consented that the deanery should be considered vacant, and a clause was introduced into an Act of Parliament accordingly. But it would be seen that some delay had taken place—two years had been allowed to elapse, during which nothing was done. It was material for the House to ascertain whether there was no cause for this delay. First, an Act of Parliament was necessary, and this of itself would require some time; but this was not all; for the Commissioners themselves, on the 15th page of their Report, stated that more local information was requisite before any final decision could be had. It was very important that he should read this passage to the House for its information, since it would fully justify the Privy Council in looking further into the subject, with a view to the conclusive settlement of the question. " At the same time the Commissioners begged to state to his Majesty that though they had not been sparing of their time and labour in collecting and arranging information, &c. still, supposing his Majesty to grant his approval to the principle, the want of minute local information in some particular places as to the value, &c. of several of the smaller parishes may afford reasons for not applying the principle. They, therefore, requested that more local information might be obtained before a final determination was formed." The result was, that what the Commissioners had recommended, as far as the principle was concerned, was found, for a time at least impracticable. He would take the liberty of reading to the House a letter from the reverend Dr. Ratcliffe, one of the Ecclesiastical Commissioners, and a Member of the Privy Council, which he addressed to the Lord Chancellor. It ran thus:—

March 19*th*, 1834.

My dear Lord—I perfectly recollect that you for some time, at the last meeting of the Board of Ecclesiastical Inquiry, refused to sign the draft, but were persuaded by the Committee present to sign the draft of the Report, on their suggesting that by so doing you were not committed to the details of the schedules, but only to the body and principles of the report, your disapprobation whereof would be implied by your refusal. You were not, as I can recollect, present at framing any of the schedules respecting the Deanery of Down, and, I think, I may with certainty say that you were not.

To pursue still further the reasons for delay. He would observe that the Ecclesiastical Commissioners sat for the first time on the 22nd of September, under the Church Temporalities Act, and were necessarily employed for a considerable time in the appointment of officers and other preliminary business, and it was not till now that they found themselves in a situation to call for Returns. He, for one, on his own responsibility, had taken measures to expedite this inquiry, and a Board of Privy Council had, in consequence, been summoned for the earliest possible day—the 18th of next month—for this purpose. He would now proceed to read two extracts from a letter written by Lord Plunkett:—

Now first I shall think it right to state that I have bounded my tour to the Deanery of Down—that previous to the month of September, 1831, there was no vacancy of the Deanery expected—that in consequence of the death of the late Bishop of Derry, and the promotion of Bishop Ponsonby to that see, the Bishoprick of Kildare became vacant. That the opinion of Lord Grey, and of the other members of the Government, was, that the see of Kildare should be filled by Mr. Knox, the then Dean of Down, and that Doctor Grey, without any application on my part, was so good as to send to me, and to state his wish to appoint my son to the Deanery of Down. I felt the kindness of the offer, and accepted it gratefully. The Deanery was stated by Mr. Knox to be of the annual value of 2,000*l.* and upwards, and the living of Dromore, which my son resigned, was of the value of 1,200*l.* Neither then, nor at any time until long after my son was in possession of the Deanery, I think in July 1832, did I hear a hint that there was any objection to the filling up the vacancy absolutely and unconditionally. Complaints had been made by the House of Commons and Lords, as to the undue exercise of patronage towards my family, and great numbers of gross falsehoods were asserted. Amongst others, that my son had continued to hold the living of Dromore along with the Deanery, but not a surmise that there was any objection to the appointment being made without condition.

* * * * *

At this time the duties of Chancellor of Ireland had devolved on me. I had been arduously engaged in clearing off heavy arrears, and discharging the duties of my office; and I had, in addition, full occupation to my mind from my Parliamentary duties, which I could not put aside. Under all these circumstances, I hope I do not draw too largely on the confidence of any fair mind, when I declare, on my honour as a gentleman, that when the Deanery of Down was offered to me for my son, by Lord Grey, I had not the most distant recollection, nor do I believe I ever had the slightest knowledge, of any arrangement having been proposed by the Commissioners in respect to it. I now come to what took place in July, 1832, when the objection was started. Mr. Stanley sent for me. He showed me the Report of the Commissioners, and stated the embarrassment in which he felt the Government placed by the unconditional appointment. He will inform you that I instantly declared my acquiescence, and that, on the part of my son, I authorized him to state to the House that the Deanery should be liable to be dealt with in the same way as if it were actually vacant. He did declare so, and this declaration was received as perfectly satisfactory.

If any censure could arise out of the transaction, of course the other members of the Government must bear their share of it. He must declare, after the closest attention to the explanation of the noble Lord, that he did not believe any one could imagine that he had either applied for the appointment for his son, or that he was acquainted with the details of the Report, which he was led to sign by the representations made to him. But if there were hon. Members who took a different view of the subject, he trusted they would abstain from the expressions till they had perused that evidence, which would now very shortly be laid before them.

Mr. *Cobbett* would, under this injunction, say nothing further, than that to his mind the matter was a great deal worse after the explanation of the right hon. Gentleman, than it was before.

Mr. *Goulburn* said, if he wished to urge the House to anything like animadversion, he could not have taken a better course than by entering into the statement which had just been made by the right hon. Secretary. The noble Lord, the Chancellor of Ireland, had been called on to advise the Crown on various matters connected with the Church of Ireland, and being so called, he actually signed a report without being aware of its contents. The noble Lord was called on to guide the Crown—to point out the right path for future conduct: he signed a report, however, allowed that report to come before the House of Commons, backed by the full weight of his authority—of his, the Lord Chancellor's high sanction and recommendation, and then he sent the right hon. Secretary down to tell the House that of the contents of such report, he, the Lord Chancellor, knew nothing whatever. [Mr. *Littleton:* I did not say "Knows nothing."] "But you said the noble Lord had not read the report which he signed, which is pretty nearly the same thing." His (Mr. Goulburn's) object was to see these livings separated; but he should now only say, that he reserved to himself the power, when an arrangement should have been entered into, to enter fully into the merits of the question, being contented to leave it for the present, as far at least as Lord Plunkett was concerned, to the explanations of the right hon. Gentleman opposite.

Major *Beauclerk* said, that the church of one of these six parishes happened to be upon some property of his, and had been built by his grandfather. The clergyman who had been appointed to this parish, had been most cruelly treated under this commission. His salary was 100*l.* a-year, and in consequence of the representation made by them he had left the parish and gone to one with a salary of 80*l.* a-year, of which 80*l.* he had to pay 40*l.* towards the expenses of valuation under the Tithe Act. Now he was informed, that the recommendation of the Commissioners was not to be followed. Another powerful interest had stepped in and prevented his just expectations from being realized. He had been led to expect that his living would be 200*l.* a-year, as in other parishes, instead of which he was likely to starve.

Mr. *Littleton* said, that from some inquiries which he had made, he was inclined to think that the situation of the individual alluded to was not so bad as he had represented it to be. At the same time the conduct which the hon. Gentleman complained of, was warranted by the Act of Parliament.

Mr. *Robinson* thought the explanation of the right hon. Gentleman, as to the conduct of the Lord Chancellor of Ireland, not at all satisfactory. Of what worth was any public document which derived its chief value from the name of an eminent individual, if a friend of that individual could afterwards come down to the House and say that at the time he signed the document he was utterly ignorant of its contents? He would not attribute any thing like incorrectness to the statement contained in the letter of the noble Lord, but he either knew the contents of the report, or he did not. If he did know the contents of the report, his son should not have accepted of the appointment; and if he did not know anything of its contents, his signature to it was highly improper. This was a dilemma from which the noble Lord could not escape—and he thought the noble Lord's statement very unsatisfactory, although it placed him in somewhat a different light as to the first acceptance of the appointment.

Mr. Secretary *Stanley* said, that it was no unfrequent thing for individuals to attach their names to reports which laid down the law, and the principles upon which the Commissioners acted, without pledging themselves to the details, which depended, as in this case, upon local information as to each separate union. Thus his noble friend had signed this report, without thereby rendering himself responsible for that which altogether depended upon local information.

Mr. *Ruthven* said, that however suspicious the conduct of the Lord Chancellor of Ireland might have appeared on a former occasion as to this appointment, that suspicion was now removed, and he was glad that the saddle was placed on the right horse. It was not very creditable to the Irish Church that this appointment should have been given to the son of the Chancellor, merely because he was such, and without any reference to his qualifications for the office. Since Dean Plunkett had held the office, he was in the receipt of 1,400*l.* a-year, which, if the recommendation of the Commissioners had been adopted, would have been appropriated to other unions. Nothing could be more improper than the conduct which had been pursued upon this occasion. Was the high office of an individual to be made the means of sheltering his friends from the consequences of an act which might consign a young man innocent in the transaction, and ignorant as to the consequences, to possible ruin.

The Memorial to lie on the Table and be printed.

ORDNANCE ESTIMATES — COLONIAL FORTIFICATION.] Colonel *Maberly* brought up the report of the Ordnance Estimates. On the question that 29,743*l.* be granted for Ordnance Expenses in the Colonies,

Major *Beauclerk* said that, after the House had heard the admissions of the right hon. Baronet, the member for Tamworth, and other hon. Members from different parts of the country, that the agricultural body throughout the kingdom was suffering severely from distress and depreciation in the price of produce, he thought it was not too much to ask his Majesty's Government to pause before they sanctioned a vote for adding to a sum of 200,000*l.* already expended on these objects, another to the extent of 29,000*l.* for making forts in Canada, and in the Island of Mauritius, which he thought were strong enough already, without any fresh estimates being made to their defences. He thought that the sum of 10,000*l.* for improving the fortress of Kingston, in Canada—8,000*l.* for strengthening the harbour of the Mauritius—and 10,000*l.* for that of Halifax, in Nova Scotia, might be deducted from the amount of these estimates; and he should move that the sum of 1743*l.* be inserted instead of 29,743*l.*

Mr. *Hutt* seconded the Motion. After the repeated complaints he had heard, of many small taxes, which were only defended on the score of necessity, he felt it his duty whenever, the reduction of any sum was proposed, which could be spared, to support that proposition. Here was a large sum wasted, the people wanted relief, and therefore, he would second the Motion.

Mr. Secretary *Stanley* would state, that so far back as 1828 he proposed an Amendment which had for its object the saving of the public money. 30,000*l.* was then demanded for works in the line of fortification, and it was conceded that no works should be undertaken without the express sanction of Parliament. The works of Halifax and Kingston were accordingly permitted to proceed, and the hon. member for Taunton, than whom there could be no one more desirous to husband the resources of the country and protect it from anything bordering on unprofitable expenditure, gave his full approval to the grant. Parliament then had sanctioned the works; it had had the full amount of the outlay laid before it; it had declared the expense should be met by annual instalments; 50,000*l.* had been already expended; the entire cost would not be much more than 80,000*l.*; and was that, he would ask, the period for them to pause? Would such be pursuing the most economical course? The works going on at Halifax were necessary for the defence of the harbour, were essential for the protection of the shipping, and called for by the wish to respect the great and rising importance of its commerce. They would be finished in 1837, if no interruption similar to that then proposed was permitted to take place. 300,000*l.* had been employed, and would be wasted, if the works which hon. Members were desirous to stop were not completed. The economy proposed was bad economy; it was an economy that had not reason to plead for its justification, and certainly not usefulness for its end. With respect to Kingston, the works there were of the utmost moment for the protection of the Rideau Canal, as the town was accessible to attack on that side. Next to Quebec, the station was the most important of all our possessions in North America. The possession of the Mauritius gave England an influence and a protection for its commerce in the eastern part of the globe, the advantages of which it was unnecessary for him at the moment to dilate on. The losses during the war, in consequence of our being without due accommodation for shipping, in the eastern seas, were immense; the works then in progress were required, if the reports of the most able and scientific officers were to be relied upon, they were going forward rapidly and most successfully; and he would again say it would be the worst species of economy to interrupt them. In fine, the House was not called upon to vote away money for the undertaking of new works, but for the completion of those already commenced under the authority and express directions of Parliament.

Mr. *Sinclair* approved of continuing the works after they were begun but he was anxious to learn the whole expense to which the country would be further put.

Mr. *Stanley*: With the exception of Halifax, the sums required would not be greater than those originally sought for and even in respect to the capital of Nova Scotia, they would not be found to have much increased.

Mr. *Cobbett:* The money then called for to be voted away was not for the purpose of being spent in fortifying the harbour of Halifax, but for an outlay on the citadel of that town. To be sure, thirty-four years ago that fortress was thought to be as perfect as it could be well made. He had seen it. The Duke of Kent and his two aides-de-camp were constant in inspecting it, and had been incessant in their attendance during the progress of its improvements. They saw it rise to completion with evident satisfaction, but at a most enormous charge to the country. It had, indeed, been called the Duke of Kent's folly. Half a million of money had been expended on a little island in the harbour of Halifax. [Colonel *Maberly:* No, no.] Well, a peninsula; that did not much alter the case; and 124,000*l.* was now asked for to lay out on Nova Scotia. Nova Scotia! What was Nova Scotia? A bundle of rocks, worth nothing. If the whole province was put up by auction, he questioned whether it would bring 100,000*l.* in any, even the most speculative market. What did they want with fortifications? and while it was under the direction of the right hon. Baronet opposite, they had nothing to fear. The fleet would be a bridle on America and the West Indies, and not the paltry citadels and fortifications. Could Halifax be attacked when this triumphant fleet was cruizing in its roads? No, it could not; and without, such a fleet Halifax would be but of little benefit to England. But Gentlemen thought otherwise from reading books, who had never been there, and who knew nothing of war except on paper. England had been called a great country, and truly so, for great indeed she must have been to have borne the enormous sums thus yearly dragged from her; but let it ever be remembered, taken from her when numbers of her people were in a state of deep and deplorable misery.

Colonel *Maberly* said, the situation of his Majesty's Ministers stood thus:—When they came into office, they found such and such works proceeding, and proceeding, too, under the sanction of the House. Considerable sums of money had been disbursed; and the question which they solemnly put to themselves was, were these sums to be thrown away? They considered they ought not; and that the works which had been commenced ought to be completed. The hon. member for Oldham was of a different opinion, and would have Parliament rescind its former Resolutions. Halifax had undergone many changes since the period when that hon. Member visited it. He had been there, but at a more recent period, than the hon. Member and was surprised at the hon Member's remarks. The hon. Member was ignorant of the great and fertile sources of wealth possessed by this Colony. The soil was rich, and the most valuable mines abounded in the province. The harbour was a very good one, and the citadel very necessary for its protection on the land side. The hon. and gallant Member next proceeded to advert to Kingston; and with respect to the Mauritius, from the Ordnance surveys, it was clearly ascertained that if the citadel were finished, the garrison might be decreased, which would be a great saving of the public expenditure.

Mr. *George F. Young* said, unless the works were unnecessary, the House would completely stultify itself by voting contrary to its former Resolutions.

Mr. *Tennyson* should detain the House only a few moments in stating the reasons for his present vote. The citadel of Halifax had already cost 84,000*l.*; and he agreed with the right hon. the Colonial Secretary, that it would be the worst economy to lose that sum, by not following up the original grant. When he had held the office which the hon. and gallant Member then filled, he had given much of his attention to the subject, and was convinced,—always having borne in mind that a collision with the United States of America was possible—that if they were anxious to retain their provinces, they should put them in the best possible state of defence. In that view he was borne out by the concurrent opinion of the most experienced officers in the service. Having said this much, he should, before he sat down, put it to the consideration of the right hon. Gentleman the Colonial Secretary, whether some plan ought not to be adopted, by which the Colonies would be made to maintain themselves? When he (Mr. Tennyson) had the honour of filling an official situation, some of the Colonies were anxious to contribute; but, with the exception of the Mauritius, which alone gave 5,000*l.* a-year, no other of our possessions furnished a contingent towards the general charge. It was full time something should be done.

Lord *John Russell* said, that in the year 1828, during the Administration of the Duke of Wellington, 2,000,000*l.* were demanded to be expended in the fortifications of Canada. Those with whom he then acted successfully opposed voting away so large a sum. A new Committee was appointed; and it was intimated, that if those who opposed the former proposition would consent to the then works going on, the vote for the 2,000,000*l.* would not be pressed. Fifty thousand pounds had been already laid out on Kingston, and it was then proposed that to that sum 10,000*l.* should be added for the next three years, which, it was considered, would be sufficient.

The House divided on Major Beauclerk's motion. Ayes 22; Noes 76: Majority 54.

The Report was agreed to.

List of the AYES.

ENGLAND.
Aglionby, H. A.
Attwood, Thomas
Cobbett, Wm.
Evans, Colonel
Ewart, Wm.
Faithful, George
Fielden, John
Humphrey, John
Hutt, Wm.
Kennedy, Jas.
Morrison, J.
Pease, J.
Philips, Mark
Potter, Rd.
Scholefield, J.
Trelawney, Sir W. S.
Wason, Rigby

IRELAND.
O'Connell, D.
Roche, Wm.
Ruthven, E. S.
Vigors, N. A.
Walker, C. A.

TELLERS.
Beauclerk, Major
Buller, Charles

BRIBERY AT ELECTIONS BILL.] On the Motion of Lord John Russell, the House resolved itself into a Committee on the Bribery at Elections Bill.

On the second Clause being read,

Mr. *Wynn* strongly objected to that part of the Bill which proposed that the decision of the Committee should be final. He thought it would be the bounden duty of the House to read the evidence given before the Committee before confirming its decision. Besides, the words final and conclusive, precluded the jurisdiction of the House of Lords which could hardly be intended.

Lord *John Russell* said, the great object was, to obtain such a tribunal as might give a final Report, upon oath, such as the House of Commons might receive and approve of, and such as might prevent the House of Lords from feeling it necessary, if the evidence were taken on oath, to occasion additional trouble and expense, by seeking for further evidence.

Mr. *Wynn* thought the principle a good one. The details, however, in his opinion, required much consideration, and he must object to the words "final and conclusive."

Mr. *Hardy* wished that the functions of a Committee which was to try the validity of the return of Members, and the functions of a Committee to try the general question of bribery and corruption, should be separate. He thought it would be well to have two Committees, and to have them differently constituted.

Mr. *O'Connell* said, he altogether approved of the arrangement by which the reduction of the list of names should be left to the Speaker. If put in practice, he was quite sure it would prove satisfactory to all parties.

Mr. *Halcombe* suggested—1st, that the

House should agree upon the definition of what bribery and corruption was, otherwise they might have various and conflicting decisions on the subject from different Committees; 2ndly, that when any petition complaining of bribery or undue election, should be presented, it should in the first instance be referred to a preliminary Committee, who should examine and report whether there was a *primâ facie* case to go upon; and 3rdly that when such *primâ facie* case was reported, the matter should be sent for inquiry, not to a Committee of that House, but to a commission consisting of three barristers, with a judge of the land at their head. If something of this kind were not done, the House could never get through election matters so as to attend to the other business of the country.

Mr. *Roe* objected to the clause which referred the examination of any petition complaining of bribery and corruption to a Committee already sitting to try the merits of a petition against a return. This clause was inconsistent with another clause in the Bill; for by the one clause any Member for a borough against which a petition was presented might sit on a Committee to try the qualification of a Member on his due return, and eleven such borough Members might compose one Committee; but another clause said, that no member for a borough against which a petition complaining of general bribery and corruption was presented, could sit as Member of a Committee to try the question of bribery as to any other borough. Now, by the clause (the second) before the Committee, a petition complaining of general bribery and corruption in a borough might be referred at any time to a Committee sitting to try the qualification or due return of a Member, and the same Committee was to report on both; but, by the 10th clause, the authority of the whole eleven borough Members would be at an end, as by that clause, being Members of boroughs petitioned against for bribery and corruption, they could not decide on a question of bribery in any other case.

Mr. *Hardy* thought, that the offence of Bribery ought to be tried before a regular tribunal in the same way as any other crime, whether felony or misdemeanour. In a case formerly brought before that House of an hon. and gallant Member who had been convicted by a Court Martial of having improperly withheld some supplies from the regiment to which he belonged, the House took the result of that judicial proceeding as sufficient, and proceeded accordingly, without going through the evidence *de novo.* At least the House did not think it necessary to examine the witnesses. They acted on the facts already established, and expelled him. So, in case of bribery, it would be much better for the House to found its decision on some facts proved before a competent tribunal. But if it were to act on complaints of general bribery—and by the way it was no easy matter to bring bribery, though generally practised, home to particular cases—then they would have to go through a most tedious and expensive, and often unsuccessful, process of overhauling the whole inquiry, and sifting the alleged charge all through. The House should enact that, if a certain number of electors were convicted of bribery before a Judge and Jury, then they would act on that conviction. That course would save much investigation, time, and expense. If a Member of that House were charged with felony, the House would not appoint a Committee to try him, but would leave the investigation to a Court of Law, and then act on the evidence adduced before that Court, and expel him. Such would be the proper course for the House to pursue in a case of bribery, which was a very heinous offence.

Lord *John Russell* said, that the Courts of Law were at present open to receive charges of bribery, and men might be, as they sometimes were, convicted of that offence. Indeed 800 electors of one borough might be convicted. But he thought it would be hopeless, all things considered, to bring home such evidence as would ensure the disfranchisement of a corrupt borough if they went to a Court of Law.

Clause agreed to, as were the clauses to the 8th. On the 9th clause being read,

Mr. *Pryme* moved the omission of the words "after thirty-three Members shall have been chosen by lot, according to the provision of the said Act, 9 Geo. 4th., c. 22, they shall, in lieu of being reduced to eleven in the manner directed by the Act, be reduced to eleven by the Speaker." He thought it would be imposing an invidious duty on the Speaker to authorise him to reduce the number of Members; and it was desirable that he should be invested with no power that would be likely to excite odium or jealousy. It would be much better that the number should be reduced, as in the case of a Jury, by the parties striking off each a given number.

Mr. *Wynn* was of opinion that it would be far better that the Speaker should, out of the 658 Members of the House, select the original thirty-three, as he must be supposed the best judge of their fitness, and that, out of those, the eleven should be taken by lot.

Lord *John Russell* had considered the clause, and he saw an objection not to leave the Speaker the power of naming those who would constitute the Committee, though he would admit, that it was not desirable to give him an invidious power. If he chose the thirty-three, then, when they came to the eleven chosen by lot, it might be found that the inquiry would be conducted by inexperienced and inefficient Members. On a question such as that of investigating corruption, where public justice and the public interest were concerned, it was desirable to have men whose decision, from a knowledge of the law and the practice of Parliament, would inspire the House and the country with confidence. It was better to have the thirty-three taken by lot; and let the Speaker select eleven.

Mr. *Wynn* was surprised at hearing the remark of the noble Lord. He could not believe, that in a Reformed Parliament, which the noble Lord had said was to contain so much intelligence, experience, integrity and talent, that the Speaker would find any difficulty in selecting thirty-three efficient Members for Judges from whom there could be any risk of drawing eleven bad ones. He was of opinion, that if the thirty-three were left to chance, the Speaker could not, perhaps, select eleven who were not sufficiently acquainted with the law.

Lord *John Russell* doubted whether it would be competent to the Speaker to select thirty three. Many would wish to avoid the appointment, and make interest to be excused. He thought it an invidious power to give him the appointment of the thirty-three.

Mr. *Tennyson* said, it was very necessary to shield the honour of the Speaker from imputation. He thought, however, the proposal of the right hon. Member (Mr. Wynn) the least objectionable.

The Committee divided on the Amendment: Ayes 34; Noes 43—Majority 9.

On the question, that the clause be agreed to,

Mr. *Aglionby* moved, to leave out that part of the clause which provided for the appointment of nominees. He disapproved of Members being converted into advocates.

Lord *John Russell* said, the nominees would not have the right of voting; but he thought a Committee would be benefited by having two Members present familiar with the case.

Mr. *Wynn* thought the plan of the noble Lord would place Members named as nominees in a most difficult and unfit situation. In his opinion, no Member of that House ought to be named a party to an inquiry under the express or implied understanding, that he would contend for a particular side.

Mr. *Spring Rice* admitted, that the clause, as it stood, contained somewhat of an anomaly; but, at the same time, contended, that the alteration suggested by the hon. Member (Mr. Aglionby) would, if introduced, weaken its general effect. The object, in proposing the appointment of nominees was, to have the case brought fairly before the Committee.

Mr. *Wynn* instanced a case, in which Mr. Fox and another hon. Member, having been appointed nominees, were, with the single exception of the Chairman, the only persons who voted in opposition to the decision finally come to.

Mr. *Mark Philips* was unfavourable to the appointment of Bribery Committees, and thought it would be much better to leave the inquiry to the ordinary tribunals of justice. He likewise objected to the appointment of nominees, as being likely to place Members in an extremely invidious position. He had himself been appointed a nominee in the case of the Liverpool inquiry, last Session; and, from experience, was able to assure the House, that they were altogether unnecessary, and might, with perfect safety, be abolished.

Mr. *Wason* said, that the Liverpool inquiry would have been gone through in half the time, and with half the expense, had it not been for the nominees. He, therefore, quite concurred in the Amendment proposed by the hon. Member for Cockermouth.

The Committee divided on the Amendment: Ayes 19; Noes 35—Majority 16.

Clause agreed to. The House resumed. Committee to sit again.

List of the AYES.

Attwood, T.
Blackstone, W. S.
Briggs, R.
Brotherton, J.
Bruce, Lord Ernest
Chetwynd, Capt.
Evans, W.
Ewart, W.
Gaskell, J. M.
Halcombe, J.
Hardy, J.
Hayes, Sir E.
Philips, M.
Romilly, J.
Sinclair, G.
Torrens, Col.
Walter, J.
Wason, R.
Wynn, Rt. Hon. W.

TELLER.

Aglionby, H. A.

List of the NOES.

Baines, E.
Bish, T.
Brocklehurst, J.
Browne, D.
Buller, C.
Burrell, Sir C.
Elliott, Hon. Capt.
Fremantle, Sir T.
Gordon, R.
Hawes, B.
Inglis, Sir R.
Jeffrey, Rt. Hon. F.
Macleod, R.
Martin, J.
Murray, J. A.
O'Reilly, W.
Palmer, C. F.
Peter, W.
Plumptre, J. P.
Pryme, G.
Rolfe, R.
Ross, C.
Russell, Rt. Hn. Lord J.
Smith, R. V.
Stanley, Hon. H. T.
Strickland, Sir G.
Tancred, H. W.
Tennent, J. E.
Tennyson, Rt. Hn. C.
Tower, C. T.
Tracy, C. H.
Verney, Sir H.
Walker, C. A.

TELLER.

Rice, Rt. Hn. T. S.

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HOUSE OF LORDS,

Tuesday, March 25, 1834.

MINUTES.] Bills. Read a third time:—Indemnity; Consolidated Fund; Pensions Duties.—Read a first time:—Burning Lands (Ireland).

Petitions presented. By the Archbishop of YORK, from the Clergy of the Deanery of Craven, for Protection to the Established Church; and from three Places, for the Better Observance of the Sabbath.—By Earl GREY, from the Proprietors of Bishop-held-land, in Pickering Lythe, for an Alteration of the System followed concerning such Property.—By the Duke of RICHMOND, from York, for Relief to the Agricultural Interest.—By the Earl of RADNOR, from Kingston-Magna-cum-Ryland, for the Abolition of Tithes; and from Belfast, for the same in Ireland; also from Cupar, for a Bill disqualifying Church Functionaries from taking Part in the Legislative functions of that House.—By the Earl of ROSEBERY, from the Hand-Loom Weavers of Crieff and Muthill, for a Board of Trade, and for Relief.—By the same, from Keiss, and by Lord MELBOURNE, from Week, for Abolishing the present System of Church Patronage in Scotland.—By the Duke of RICHMOND, the Marquess of LANSDOWNE, the Earl of RADNOR, and Lords DACRE, DUNDAS, and HOLLAND, from a Number of Dissenting Congregations, for Relief to the Dissenters.—By Sir WILLIAM INGILBY, from Tarfield, against Tithes.—By Admiral ADAM, from Kincardine, against the present System of Church Patronage in Scotland.

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HOUSE OF COMMONS,

Tuesday, March 25, 1834.

MINUTES.] Petitions presented. By Mr. HUTT, from Kingston-upon-Hull; and by Sir GEORGE STAUNTON, from Hawkhurst, against the Employment of Children in Cleaning Chimneys.—By Lord ARTHUR LENNOX, from Chichester, for the Better Observance of the Sabbath.—By Mr. A. JOHNSTON, from Dunse, &c., for an Alteration in the present System of Lay Patronage in Scotland.—By Mr. PLUMPTRE, from Canterbury, &c., for Relief to the Agricultural Interest.—By Colonel EVANS, from two Parishes in Westminster, for the Repeal of the Assessed Taxes,—By Mr. O'CONNELL, from Dublin, &c., for the Repeal of the Union.—By Admiral ADAM, from Kincardine, against the present System of the Church Patronage in Scotland.—By Mr. W. EVANS, from Leicester, for the Establishment of Local Courts to Recover more easily Small Debts.—By Lord CHARLES FITZROY, Sir JAMES GRAHAM, Sir JOHN SEBRIGHT, and Messrs. BLACKSTONE, SANFORD, SINCLAIR, W. EVANS, TOWNLEY, WALTER, DAVENPORT, J. ROMILLY, T. ATTWOOD, C. RUSSELL, WILKS, MORRISON, ETTWALL, CAYLEY, and Sir WILLIAM INGILBY, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. KEMEYS TYNTE, Mr. SANFORD, and an HON. MEMBER, from several Places,—for Relief to the Agricultural Interest.—By Mr. LITTLETON, from Dudley, for a Scientific Board to Examine all Lamps offered as Safety Lamps.

CHAIRMAN OF THE MIDDLESEX MAGISTRATES.] Sir *Samuel Whalley* begged to call the attention of the House to a Petition from the vestry of St. Pancras, remonstrating against giving a large salary to the holder of what had been hitherto an honorary office. The county-rates of Middlesex had, in the course of the last few years increased from 35,000*l.* to 75,000*l.* The county was also burthened with a debt of a quarter of a million; and, therefore, seeing the large increase of the county-rates, the Petitioners had the very laudable desire to economise the expenditure of that fund, and they were opposed to so large a salary. The Bill had been approved of by a majority of six Magistrates, only seventeen having voted for it, and eleven against it. Six Magistrates, from motives of delicacy towards the hon. and learned Chairman, declined to vote at all, and, therefore, he (Sir Samuel Whalley) was justified in inferring, that had they voted, it would have been against the Bill, and it would then have been left solely to the vote of the hon. and learned Chairman in support of his own salary. The office of Chairman to the Middlesex sessions was formerly an honorary one. No gentleman who had hitherto held that office had required any emolument for discharging those duties which all were desirous to fill. The large amount of salary proposed was objected to; because the duty which devolved upon the Chairman of the Middlesex Magistrates compared to the duties performed by the Magistrates of the police offices, was trifling, and the latter received only 800*l.* per annum, while it was proposed to give the gentleman to whom the petition referred 1,200*l.* He hoped, that the House would not sanction such a monstrous proposition, the sole reason assigned for which was, that the duty devolving upon the Chairman of the Middlesex sessions had very greatly increased of late years. But the House should be aware that that increase had been the act of the Magistrates themselves, and would continue only a short time, as an arrangement was in contemplation by which those duties would be considerably lessened, and the Chairman of the Middlesex sessions would have no greater duty to perform than the Chairman of the Quarter Sessions of any other county. When no salary was attached to the office of Chairman to any other county, he thought no distinction should be made in the case of the county of Middlesex. If the Chairman were to receive a salary, that salary ought to come out of the Consolidated Fund, instead of the county-rates. He had the pleasure of seeing many hon. Members of that House who discharged the very important duties of Magistrates in their respective counties, and he would leave the matter in their hands. He moved, that the petition do lie on the Table.

Mr. *Byng* said, he applied for the introduction of this Bill, not that he thought it might be useful for the county of Middlesex to have a Chairman with a salary, but because he found the Magistrates were divided into four different parties as to who should be the fittest person to fill the office.

Mr. *Hughes Hughes* said, that as he had appeared to be the party introducing this Bill, whereas he was known uniformly to have opposed its introduction at the meetings of the magistracy, he was anxious to state, that it was matter of accident, and owing to his having, in the absence, and at the request of the hon. member for Middlesex, brought up the report of the Committee to which the Petition for the Bill was referred. He held himself, nevertheless, at full liberty to oppose the Bill in its future stages.

Mr. *Rotch* said, this Petition was merely a Petition against giving the present Chairman of the Middlesex Sessions 1,200*l.* a-year, and as far as that went, and the observations upon that point, he should have been willing to let them pass *sub silentio.* But when he found the hon. Member for Mary-le-bone making observations which were entirely at variance with facts, he was bound to make some reply to them. The Bill before the House was not a Bill to give the Chairman of the Middlesex Sessions any salary at all, but merely to enable the Magistrates to do so at any future time if they thought proper. He was sorry to say many similar statements had been propagated to deceive the people of Mary-le-bone. The hon. Gentleman conceived the office of Chairman of the Sessions to be so honourable, and requiring so little attention and labour, that he was really quite astonished, that after it had been held by gentlemen of independent fortune, who performed the duties gratuitously, any one should come forward and claim a salary. Why, up to the very period when he (Mr. Rotch) was elected Chairman, a salary was paid Mr. Const of 750*l.* a-year, and that gentleman only tried 200 cases in a year. What was the difference? He (Mr. Rotch) had tried no less than 1,570 cases, disposed of 100 appeals, and sat 125 days in court, besides county days. If hon. Members would look at the return laid before the House, they would find that the Manchester Sessions occupied only fifty-seven days, and the Surrey Sessions but fifty-five days, and at Manchester there were no appeals heard. There were gentlemen who, for the purpose of deceiving others, or through ignorance, affirmed that the business was multiplied for the express purpose of claiming a salary. The fact was, all the orders for the new arrangement were passed before the death of Mr. Marriott, who immediately preceded him; for the moment the office was given up by Mr. Const, it was discovered that twice as much was paid for trying prisoners at the Old Bailey as at Clerkenwell, and an order was issued by the Secretary of State for an alteration. Now, what was the result, of which this parish complained? There had been an actual saving of 2,116*l.* to the county in the space of nine months; and if all the cases had been tried at Clerkenwell, which had been ordered, he did not hesitate to say, that there would have been a saving of 4,000*l.* He could not then conceive what reason the parish of Mary-le-bone had to complain. It had been said, that the Middlesex Sessions house was a rendezvous for Magistrates; but he assured the House he had sat there the whole day with only one Magistrate at his elbow. The hon. Member had stated, that the vote in favour of the Bill was carried by a majority of six Magistrates only, and that he knew six others who were not present, but who would have voted against it. He came into the county of Middlesex an utter stranger, and did not know three Magistrates in the commission of the peace, and the general body only knew him as Chairman of the Sessions, so that personal favour was quite out of the question, and was it to be supposed that at meetings where thousands of the public money were voted away, there would be anything like a trifling attendance? On the contrary, there were generally from thirty to forty Magistrates present. It was his (Mr. Rotch's) opinion, that the Bill should not be pressed upon the House. He was asked for his vote, and gave one to the effect, that as his Majesty's Government had been preparing some measure, the Bill should not be urged before the House. A majority was against that opinion, however, and it was accordingly brought forward. As regarded his exertions in his situation of Chairman, he consulted nothing but the good of the county—he sacrificed his profession, but he could not be expected to do so without remuneration. During the last twelve months he had saved that county such a sum as 5,734*l.* The county-rates were lightened, and were more easily collected. He could tell the inhabitants of St. Pancras, and Mary-le-bone, that the courts of the City of London rendered their taxes heavy. Let the expenses be considered in both courts in particular, the fees of Mr. Pope, and all the fees that were levied at the Old Bailey. He would state one example. One particular fee was 3*l.* 5*s.* at the Old Bailey, while the same fee was 1*l.* 12*s.* in Middlesex. The Chairman of Middlesex should in his opinion, be remunerated for his time and trouble.

Colonel *Wood* did not think, that the Chairman of the Middlesex Sessions was entitled to a salary; at least if a salary were given, let it be given by Government, and let Government have the nomination also of that Chairman. There was a great number of police Magistrates who could take the Chair, who already received payment from the public, and could do the duty. The number of cases was greatly augmented at the Middlesex Sessions. In 1832, there were but 213 cases, and in 1833, there were 1,281. Above 1,000 cases were taken from the Old Bailey, where there was a Judge to try them. There was no reason for sending such an additional number of cases to the Sessions from the Old Bailey, but that they could be tried at less expense at the former than at the latter.

Colonel *Evans* should feel it his duty to give the Bill all the opposition in his power. He, for one, did not complain that the Magistrates did not try enough of cases, but that they tried too many. Capital punishments were now very much diminished, and the maximum of punishment most generally awarded in the superior Criminal Courts was fourteen years' transportation. Now the hon. Gentleman could not deny that that punishment had been frequently given at Clerkenwell. The hon. and learned Gentleman took great credit to himself for the 1,500 trials which had taken place under his direction during the last year; but he would beg to ask him, did he include in that number the 100 persons who were illegally convicted at what was called the "Mistake Sessions." Ten of those persons were even now in prison, suffering, as he would fearlessly call it, false imprisonment. He was sorry he did not see the Under-Secretary for the Home Department in his place, for it was absolutely necessary that those persons should be tried anew or discharged. One case that exemplified the absurdity of the present plan more than enough was that of a person named Palmer, who was tried for receiving stolen goods, well knowing them to have been stolen. He was convicted, and sentenced to fourteen years' transportation. The principal concerned in the transaction was tried before a Judge of the land, and it was there decided that he was "not guilty;" so that there was the strange anomaly of the receiver of the goods found guilty at the Sessions, while it was decided, in a Superior Court, that the principal was not guilty, and, of course, that the goods had not been stolen. Those were strong facts against the Bill, and were also strong in favour of the whole business being taken before the regular tribunals. The hon. Gentleman had candidly stated, that his predecessor, who had filled the chair with much ability, and was greatly respected, had a salary of 750*l.* a-year, but he did not give any reason why that salary should be raised to 1,200*l.* He was of opinion, that the Government ought to have the appointment of the Chairman, and also be saddled with the paying of his salary.

Mr. *Estcourt* said, that the House ought to be on its guard, and not be led away by the fact of that being a private Bill. He always understood, that the duties of the Magistracy were performed gratuitously, and that with great advantage to the country. Though that was the first time the question had been broached in that House, he had seen many publications upon the subject of paying a salary to the Chairman of these Sessions, who was to be elected by his brother Magistrates. But in his opinion that would be the worst plan the House could adopt, for even now they did not meet to elect the Chairman without feelings of party which would be greatly strengthened if a salary were attached to the office. In point of principle he objected to it, as he considered it would be attended with great danger if established. The petitioners should be heard by Counsel at the Bar against the Bill, for the case was one of very great importance. There was now an inquiry going on into the County-rates generally, and, in the very teeth of that, let them not add to the burthens of one county such a large sum, without giving the parties interested an opportunity of being heard against it.

Mr. *Cobbett* expressed his astonishment that any Gentleman would propose that the whole country should be taxed to pay a Magistrate for the county of Middlesex. What right had the county of Wilts or the county of Dorset to pay the salary of a Middlesex Magistrate? He was against the payment of even police Magistrates. The county of Middlesex drew towards it all the wealth of every other county, and then taxed every other county to keep it in a state of peace. He should certainly give his opposition to the Bill.

Mr. *Wilks* said, that the sentiments contained in the petition were the sentiments of the county generally. The hon. member for Oldham stated, that Middlesex collected all the wealth of the country, but it should be recollected also what a vast quantity of pauperism and crime resorted to it. The operation of the County-rates in that county was most ruinous; in Bethnal-green, and many other districts, the rates could not be collected, notwithstanding all the efforts that were made. It would excite no surprise when it was proposed to add 1,200*l.* a-year to that which was already so overwhelming, that the people should interpose, and resist a measure like that.

Mr. *O'Connell*, as belonging to the profession of the law said, there was no principle more clear than this, viz., that no Magistrate should be paid a salary by those under whose control he was; the use of a Barrister as Chairman was, that his opinion and assistance might be taken and respected, but that respect would be much lessened if he was subject to the control of his brother Magistrates. If the proposition to elect a Chairman every six months were adopted, it might happen that, from partizanship, or any other motive, they would refuse to re-elect the former Chairman. He was of opinion, that the judicial system ought to be supported by Government, and that Government should be made responsible for the proper administration of justice. He hoped this discussion would have another tendency—namely, that it would lead to the appointment of Courts of Local Jurisdiction, and thereby afford to the public immediate, summary, and cheap justice. He did not wish for such a scheme as that which was proposed last year by the Lord Chancellor, because it was composed of such complicated machinery that it could not work, and it would require half a century before an opinion could be formed upon the operation of its details. He would advise a return to the common-law practice of County Courts, which should be perpetually sitting and disposing of business. He hoped the Government would take up the system of local jurisdiction, and put down the system by which the local Magistrates had the power to appoint a Chairman, and withdrawing that appointment when they thought proper. He hoped that the Bill would be withdrawn. He was sorry, that the hon. Member (Mr. Rotch) had thought it necessary to advocate the Bill at all, as it went to give himself a salary.

Mr. *Rotch* wished to reply to some observations which had fallen from the hon. and gallant member for Westminster (Colonel Evans). That hon. and gallant Member had asked if he (Mr. Rotch) had included in his 1,500 cases the 100 and odd that had been illegally tried. In reply, he had to state, that he included only thirty-six in that number—those being the only ones tried by him, and only twenty-five of them were left in custody after their illegal trial. He was left solely to his own discretion respecting them, and he discharged them. With the other eleven that had been left session after session, he had nothing whatever to do after the sentence of transportation, for they were handed over to the Secretary of State. As to the trials, they were illegal from the adoption of a practice which he tried to do away with, but was out-voted, and, therefore, he entirely wiped his hands of them. That practice was introduced by his predecessor, Mr. Const, and he had nothing to do with it. With regard to the case of Palmer, he knew that a great deal of ridicule had been heaped upon him respecting it. He was on that occasion assisted by a learned Serjeant, who had often been and was now sitting on the Circuit for one of the Judges of the land, and trying cases of the greatest importance. He (Mr. Rotch) had been of opinion that no case was made out against Palmer, but that learned Serjeant was of a contrary opinion, and won him over to that opinion.

Mr. *Hughes Hughes* begged to assure the House that, although he had introduced the Bill by accident, he would not move its Second Reading by accident.

The Petition to lie on the Table.

ADMISSION TO THE UNIVERSITIES—ADJOURNED DEBATE.] Mr. *Pryme* said, that having been cut short in his address to the House yesterday, by that inflexible monitor—time, he should now conclude the observations he was about to offer to the House, in the same spirit that he commenced them—namely, by strictly confining himself to the subject-matter contained in the petition. Whatever opinions he might entertain with regard to the principle and extent of the concessions which ought to be made to the Dissenters, it was not his intention to obtrude them on the House on the present occasion, but to reserve them until some specific Motion should be brought before them on the subject. He repeated his opinion, that there was nothing of a controversial character in the examinations of the Universities, that could be at all repugnant to the feelings of the Dissenters. Although the concession prayed for would give the Dissenters a vote in the Senate, and in the administration of the general affairs of the University, yet the details of education, and matters of minor consideration, were entirely under the direction and control of the different colleges, and were not governed by the senate of the University. The concession would not, therefore, interfere in the least degree, with the course of academical instruction and discipline of the University. When a candidate for honours came up to receive his degree, he was not asked whether he had attended the chapel, or performed other requisites. That was left entirely to the college to which he belonged; and it was their duty to attend to the regular performance of them, and give him his testimonials, which were never questioned by the University. The colleges had it in their power to grant dispensations from attendance at chapel and at the sacrament, if it was contrary to the conscience of any individual; and this had been the case in Trinity College, Dublin, for a long period of time; where, from national liberality, they had admitted Roman Catholics and Dissenters to degrees ever since the year 1793; and he was informed they were not required either to reside in the college or to attend the chapels. It had been said, that such a concession would change the whole character of the English Universities. For whose advantage, he would ask, were the Universities formed? For that body exclusively to whom they belonged? Certainly not. As it had been remarked by his hon. colleague, in the time of Elizabeth and Edward 6th, there was no exclusion of any class, and there had been no want of heresy and schism; there were religious discords, on account of which men were imprisoned, persecuted, and beheaded; and yet, during those dark and disturbed times, when polemical feeling ran high, and when persecutions existed, down to the year 1613, there had been no exclusion from the Universities. He denied, therefore, that these advantages were exclusively intended for the Church of England. With regard to the claims to emolument, they were the result of the foundations of particular colleges, and were or might be limited to the will of the founders, or by the statutes of the college. It was said the prayer of the petition was limited, and that theological degrees were not included. The reason was, that if his hon. friend opposite, orthodox as he was, or himself, desired to take the degree of Doctor of Divinity, there was an insuperable impediment in the way, for in the course of the exercises to be performed, they would be required to preach a Latin Sermon at St. Mary's Church. Therefore, the petitioners would have stultified themselves if they had asked to grant the Dissenters degrees in theology. The hon. Member passed a high encomium upon the character and talent of the professors and tutors whose signatures were attached to the petition, and expressed his surprise, under all the circumstances, that the number was so large, and hailed it as a demonstration of the growing feelings of liberality and spirit of candour in the University. Having stated, at the commencement of his speech, his intention to reserve his observations on the general question, he should conclude by giving his support to the petition.

Mr. *Cobbett* said, the House had witnessed yesterday, in the course of the discussion, what no Member could have expected, a Minister of the Crown trying to get that House to consent to what a former monarch was driven from the Throne for attempting, and the present Royal Family put upon the Throne to prevent. The right hon. Gentleman had entertained them with a tough story. He gave them a long account of the exclusions from the Universities; but he had left a chasm, and that chasm was not to be filled up by such an authority as had been relied upon by the right hon. Gentleman,—namely, Dr. John Jebb, who was the most determined, bitter, persevering, and implacable enemy of the Church of England, from the day he first took up his pen, to the hour of his death. He was surprised that such an authority should have been relied upon by a Minister of the Crown. He would take another authority, which could not err, because it related to facts which unquestionable document would fully substantiate. He alluded to Hume's history of this country, and especially during the reign of King James 2nd. That monarch had attempted the very same thing that was sought by the present petitioners; and he must beg the attention of the House to one very short passage from Hume, which, as the hon. Gentleman opposite had read passages from Dr. John Jebb's writings, he (Mr. Cobbett) must read. The passage was as follows:—"Father Francis, a Benedictine, was recommended by the King's mandate to the University of Cambridge, for the degree of Master of Arts; and as it was usual for the University to confer that degree on persons eminent for their learning, without regard to their religion, and as they had even lately admitted the Secretary to the Ambassador of Morocco, the King on that account thought himself the better entitled to compliance." Thus it would seem, that the King entertained the notion, that, as the liberal University of Cambridge had not hesitated to admit the Secretary to the Ambassador of Morocco, he should be excused if he recommended a Roman Catholic monk for the degree of Master of Arts. But what course was followed on this occasion by the University? Did that body accede to the Royal mandate? It was important to look at the conduct of the University in this instance, because hon. Gentlemen had been told, that the University had always been ready to admit them, and that the Church had entertained no objections, but that it had been the Kings who had interfered. Now, though it was not permitted to speak of dead kings of the present line, yet he could speak of dead kings of the Stuart family, and he would therefore do justice to the dead king James 2nd. He it was, that thus solicited the admission of a Dissenter from the Church to a degree—precisely that which was asked in the prayer of the petition before the House. Hon. Members should now hear the determination of the University upon the Royal mandate to which he had referred. Hume said: "But the University considered that there was a great difference between a compliment bestowed on foreigners, and degrees which gave a title to vote in all the elections and statutes of the University, and which, if conferred on the Catholics, would infallibly in time render that sect entirely superior." No doubt such would be the case; and though he should not object to the proposed measure, and that it should be determined by the House that Dissenters and Roman Catholics should be admitted to degrees, and thus acquire a right of voting, the Legislature at the same time must not disguise from itself the fact, that in a very short time, they would become the masters of the University, and of the property of the colleges therein. To proceed, however, with the extract—"They therefore refused to obey the King's mandate, and were cited to appear before the Court of Ecclesiastical Commission. The Vice-Chancellor was suspended by that court; but as the University chose a man of spirit to succeed him, the King thought proper for the present to drop his pretensions." The subject, however, did not rest upon what the University had done in this instance. It could not be forgotten by hon. Members what had occurred shortly subsequent to the transaction to which he had alluded in the case of the seven bishops, whose petition had been drawn forth by the renewed attempt on the part of the King to open the Universities to every description of Dissenters, not confined to Roman Catholics, as in the former instance, but to put all classes on the same level with churchmen. The bishops had been called upon to read a proclamation of toleration in all their churches after divine service. They refused, and petitioned the King against being compelled to do so, stating that such a course would not only lead to the destruction of the Church, but would be a degradation, not only to the bishops themselves, but to all the clergy of the establishment. The bishops who thus remonstrated it was well known were sent to the Tower, brought to trial for a sedition alleged to be contained in their memorial, and were acquitted. This transaction ended in the King being driven from his throne. Notwithstanding this example, a similar proposition to that attempted by King James 2nd had been yesterday recommended by a Minister of the Crown. He really must remonstrate with the right hon. Gentleman for adopting as an authority for the proposition he had made the writing of Dr. John Jebb. He was surprised the right hon. Gentleman had not been able to muster some better authority. He (Mr. Cobbett) had referred to a French work, the *Dictionnaire des Grandes Hommes*, and therein had found the character given to Dr. John Jebb was, that he was a clever man, but a most inflammatory politician, going in every attack against royalty, and upon the established institutions of the country. He therefore could not sit with patience, and hear Dr. Jebb cited as an authority; and he trusted never to see his books again upon the Table of the House. He thought the right hon. Gentleman (Mr. S. Rice) had not dealt fairly with the House by confining himself to the prayer of the petition with which he had been intrusted. The right hon. Gentleman ought to have told the House what the Dissenters themselves prayed for, in the numerous petitions they were forwarding to both branches of the Legislature. When he (Mr. Cobbett) remembered the prayers of those petitions of the Dissenters themselves, he was surprised that so many members of the Established Church and of an English University, had signed a petition of the character of the one now under the consideration of the House. He could not imagine how those who signed that petition conceived that the Church and the Universities could be upheld if their prayer were conceded. It would have been much more candid in the right hon. Gentleman to have told the House that it was impossible longer to uphold the Church establishment, and that it must give way. The only real grievance which the right hon. Gentleman, the member for the University of Cambridge (Mr. Goulburn) could discover was, that Dissenters, not having access to degrees, were compelled to serve two additional years before they could attain either the profession of an attorney or a barrister, or could attain a certain rank in the College of Physicians. This grievance was not confined to Dissenters, but extended also to such members of the Church as had not attained a degree. It was well known, that a young man who had not obtained a degree was two years longer in eating his terms—that was, in gnawing his way to the bar, like rats gnawing their way into a corn-bin. The real question was, whether or not the House was prepared to grant all that the Dissenters claimed,—viz. a full and free participation in every benefit and advantage that the University afforded; and he was satisfied that nothing short of this would content them, at least if they were sincere in the expressions contained in their petitions. For himself, he must say, that he would rather the Government had declared its views with regard to the Dissenters' claims, than to have degraded themselves and deluded the House and the country by the course pursued upon this occasion. The real question with him was, whether or not the Church establishment was to be demolished.

Mr. *Baines* considered, that the same argument which the hon. Member had used might have been put forward when the House were discussing the Test and Corporation Acts and the question of Catholic Emancipation. He denied, that the Dissenters were keeping back anything, and he took upon himself to state, that it was not the wish of the Dissenters in the smallest degree to interfere with those institutions which were devoted to the support of the established religion of the country. In those institutions they did not ask to participate; all that they wanted was to be admitted to the general institutions of the country. If there were a college instituted for the purpose of giving instructions to the members of the Church of England, they did not wish to partake of those instructions. With respect to the other objections made by the hon. Member relating to the removal of the tests, he believed, that that removal and the argument upon that subject would have applied to the Test and Corporation Acts and the Catholic question. He would ask the House, whether that House had been made the worse by the admission of Catholic Members? Certainly not; and that being so, the question with him was, would the University be made a whit the worse for the admission of Catholics and Dissenters than the House had been? With respect to the question whether the subject was open to the consideration of Parliament, he thought that if it were in the power of king James 1st to impose those restrictions, it was equally in the power of Parliament to remove them. Under what circumstances, he would ask, was the test complained of imposed? Not at a time when the subject could receive a grave and deliberate consideration, but at a period when the King was enjoying the sports of the turf, and not very likely to judge deliberately whether those impositions were calculated to produce good effects or not. The petitioners only wished to participate in the benefits of the University as far as they were general, and did not wish to derive any advantage from them as far as they were intended to serve the purpose, exclusively, of the Church of England.

Mr. *Lennard* said, he had had a good deal of communication with the Dissenters of this country of late, and he verily believed that they did not for a moment contemplate anything but what was just and reasonable. The hon. member for Oldham did not see that they were deprived of any advantages that were worth speaking of; but they were of a different way of thinking, as was proved by the immense number of petitions which had been presented upon the subject. The hon. Member said, it was nothing that the Dissenters were excluded from the professions both of physic and law; for, as the case stood at present, except as a matter of very special favour, a Dissenter could never get to the highest situation in the College of Physicians. True, they might practise, but under restrictions which were degrading. In his opinion, if they considered the obtaining of those degrees as a mere feather in their cap, they ought to be granted a participation in them. Nothing, in his opinion, could be more absurd than in these days, when Dissenters were admitted into that House, when they might become Ministers of State and Privy Councillors—when they might even be elevated to the bench,—to say they were not eligible to become Bachelors and Masters of Arts. It was most absurd to reason upon the letter of James 1st in these days of enlightenment and freedom, for it was written in times when freedom was unknown—and when even speaking of liberty rendered a man liable to all the pains of an inquisition. It was to him extraordinary, that arguments for the exclusion of Dissenters should now be drawn exclusively from the time of the Stuarts. When the Universities were first established, they were national institutions, and comprised the whole body of the people. The object of those who now opposed the claims of the Dissenters would be to make them sectarian establishments. The Dissenters amounted to one-third of the whole population; and was it right that such a large proportion of the country should be deprived of the advantages of science and literature? The right hon. Gentleman opposite (Mr. Goulburn) had contended, that it was improper to admit Dissenters to the Universities, because those establishments were to be considered, in some way or other, as closely connected with the Established Church. He (Mr. Lennard) knew of no statute—certainly not the Statute of Elizabeth—which excluded any class of society. The Universities were established for the spread of literature and science, godly literature being of course included; therefore the argument raised by the right hon. Gentleman was an unjust one. That right hon. Gentleman, however, had used one plausible line of argument, viz. that if the House gave the Universities the power of admitting Dissenters to particular colleges, the heads of those colleges would refuse to receive them, and therefore it would be, in fact, giving the Dissenters nothing. The first answer to that was, that some colleges did now receive Dissenters. He recollected when he was at Cambridge, twenty years ago, a Roman Catholic student and a Roman Catholic tutor were admitted to Jesus College: since then the same liberality was practised. But would it be contended, that the colleges would be less disposed now, if the House gave them the power, than they were twenty years ago, to admit Dissenters? He felt great gratification at seeing such a petition from Cambridge—for it was a proof that the members of the University understood the temper of the times, and were disposed to accede to the wishes of their Dissenting brethren, which was equally demanded by justice and expediency.

Mr. *Wilks* said that, connected as he had the honour to be with the Dissenters, it would be heedless and unthankful in him to allow that petition to lie on the table without saying a few words upon the liberal and enlightened body from whom it had emanated. The characters of the hon. members of the University who had signed that petition were eminent, not only in this country, but abroad, where their names were connected with the science and literature of the age. It was doubly acceptable to the Dissenters that these eminent individuals had come forward unsolicited and unsought, which must reflect strong lustre upon their benevolence and liberality, and which would be most gratefully acknowledged by the Dissenters. They had come forward to ask, that the Dissenters should not be excluded from the honours of the University, and he (Mr. Wilks) would venture to say, that if the Dissenters were few in number and comparatively unknown—if their wealth, information, industry, and political power did not entitle them to the attention of the House—even then the prayer of the petition would be just, and the principle upon which it was founded was such as every reflecting statesman must hail with satisfaction, and every liberal heart must approve. The principle was one of intellectual liberty and liberty of conscience; and he trusted that the House would be inclined to admit that principle. If that principle held good on the supposition that the Dissenters were few in number, how much more so must it be when it appeared that they constituted one-third of the population, and in some places seven, and in Wales nine-tenths of the population? When it appeared that in the manufacturing and agricultural districts the great majority of the population were Dissenters—[An *Hon. Member* asked, Could he prove that?] He would not enter into the details; but he was prepared to prove, that not only in the manufacturing and mining, but even in the agricultural districts, the great bulk of the land belonged, not to those who were connected with the Established Church, but to the Dissenters. If there was no positive advantage to be obtained by the Dissenters from admission to the Universities, still they should not submit to any political or civil degradation. How would the members of the Church in that House feel, if they were excluded from any political rights because of their particular mode of religious worship? If it were but a feather, as the hon. member for Bolton said, without which a man could not walk through the world without being debased and degraded in some respects, he ought to demand it, and it ought to be granted him. Whatever tended to the degradation of Protestant Dissenters created civil prejudices, and did much injury to society in general. It was not the mere degradation of the Dissenters, but of the country, that men like Watts and Doddridge had received from Aberdeen or America those very honours which ought to have been given to them by the Universities of their own country. Such men as Dr. Pye Smith, Dr. Carey, Dr. Morrison, and others, to whom we were indebted for German and Chinese literature, were excluded from our Universities on no other account but that of not agreeing to the same form of worship. A right hon. Member said, that if the Petition were acceded to, he could not send his son with satisfaction to the University; but what was the case in regard to Scotland, where there were no tests, and where the parents never felt any such solicitude as that, and yet where there was a general devotedness to the interests of religion and to the Established Church of the country? Much had been said in condemnation of the language of Dissenters in their Petitions; but what said the subscribers to this Petition? "That they regarded the exclusion of Dissenters from the Universities as an unrighteous proscription." If they were still to be excluded, our Universities would be no longer national establishments, but sectarian institutions. He felt grateful to his Majesty's Ministers that they had come forward, as far as they had done, upon this occasion, especially after that unfortunate Bill which had excited so much suspicion and dissatisfaction among the Dissenters of the country. He thanked his Majesty's Ministers, in the name of the Protestant Dissenters at large, and would conclude in the words of Locke, in the Preface to his Essay on Toleration:—"What we want is liberty; absolute liberty; just and true liberty; equal and impartial liberty." More than that the Dissenters need not ask; with less than that they would never be contented.

Mr. Secretary *Stanley* rose and said, that, as he was not a member of the University from which the petition had emanated, he ought, perhaps, to refrain from offering any observations upon it to the House; but, as the subject was of great importance, and of considerable novelty, and as the petition came before the House with the high recommendation of the important names attached to it, not only from the weight of the personal character of the petitioners themselves but also their situation in the University to which they belonged, and in the country, he might perhaps be pardoned if he deviated from the general rule he had laid down for himself, namely, not to comment upon petitions presented to the Legislature. He trusted, however, that he should be excused if he now, as a member of the Government, and as a member most anxious to consult and support what he felt to be the true and best interests of the Established Church and of religion, expressed shortly his most entire, unequivocal, and unhesitating concurrence in the prayer of the petition which had been presented by his right hon. friend, the member for Cambridge. He could not but regard it as rather a singular fact, that, to a petition presented from gentlemen who held so high a character for learning, for distinction, and attachment to the national religion of the land, as the distinguished individuals whose names were appended to it, one objection —and only one objection—should be taken by two hon. Gentlemen holding opposite,—and extremely opposite,—opinions, on almost every subject. The single objection of both those Gentlemen was the moderation of the demand, and of the language in which that demand was couched in the petition. The ground—and only ground—of the objections, both of the right hon. Gentleman opposite (Mr. Goulburn) and of the hon. member for Oldham was, that the petition was too moderate in its prayer. [*"No," from Mr. Goulburn.*] He was well aware, that the reasons for objecting to the moderation of the petition were different; but still the fact of the moderation was the basis of the objection of both the right hon. and the hon. Gentleman. The right hon. Gentleman, the member for the University of Cambridge had said (certainly much at variance with the conclusion to be drawn from the rest of his speech), that he objected to the petition because, from its own showing, the grievances from which the Dissenters sought to be relieved were so trifling as to amount to almost next to nothing. The hon. member for Oldham had objected to the petition, because its demand was so moderate as not to meet his views,—because it did not go far enough to meet the objects sought to be attained by the Dissenters of this country, and because it did not go boldly to the subversion and demolition of the Church Establishment. Now, in his opinion, the moderation of the petition was its principal recommendation; and, coupled with the soundness of the arguments it contained, would, he believed, be its main recommendation to the country at large. The right hon. Gentleman had said, in the course of the observations which he had made to the House yesterday, that, in point of fact, the Dissenters had no grievances to complain of in respect to the University of Cambridge; or, if they had, the grievance amounted to this, and to this only,—that, being unable to take the degree of Master of Arts in consequence of not subscribing (pursuant to the laws of the University) the 39 articles, the Dissenters were required, before they could advance in the learned professions, to serve an apprenticeship two years longer in its duration than those who had obtained degrees; and the right hon. Gentleman had added, that this being the only grievance, the Dissenters should rather apply for a remedy and redress to the Inns of Court and to the Medical Societies, than to the University. He was, however, ready to contend, even if this were all, that it amounted to a real and substantial grievance; if this were not the only grievance, then he must say, that the whole course of argument pursued by the right hon. Gentleman was overthrown, and went for nothing. If, under the present system, there was a restriction without a substantial reason, why should that restriction be continued as a degradation upon any class of the subjects of the realm? The right hon. Gentleman had also said, that, as a father, he objected to any alteration in the present plan, and that he never could accede to the admission of Dissenters into the University, lest the morals of his sons should suffer and be contaminated by mixing and associating with them.

Mr. *Goulburn* said, he must interrupt the right hon. Gentleman, the Secretary for the Colonies, who had so entirely misrepresented what he (Mr. Goulburn) had stated, that he could not permit it to pass without observation. In explanation, he begged to say, that his argument had been this,—he had first complained, that the parties who had brought forward this petition had not shown that, if the claim were granted, the course of religious instruction and education would be followed; and, in the second place, he, as a father, should object, in the absence of such a course of religious instruction, to intrust his son to the University. He had also urged, that, if a forced system of religious education, it could not be satisfactory to the Dissenters, but he had never said, that, because the Dissenters were admitted, he would not intrust his sons in such an association.

Mr. *Secretary Stanley* conceived the explanation of the right hon. Gentleman left his argument in the same situation. The first point was, that the grievance of the Dissenters was so small as to afford no grounds of complaint as against the University. If the grievance was small, the remedy was the more simple. With regard to the first point, he would revert to the argument that had been advanced by the hon. member for Oldham, who had stated, that he thought it was quite right that a person, not possessing an academic degree, should undergo an additional two years' apprenticeship. [Mr. *Cobbett* had said no such thing.] He had understood the hon. Member to have endeavoured to convince the House, that those who were not at the University at all, were placed precisely in the same situation as the Dissenters, in respect to their claims for advancement in the learned professions, and that therefore the Dissenters had no right to complain. The two cases were, however, very different. In some of the professions it had been thought right, that the individual who possessed the University education should have two years taken off his period of probation, in consideration of his presumed greater advancement in learning over another individual who had not enjoyed the same advantages; but in this case the Dissenter might have all the advantages of University education; and yet he was deprived of the shortened duration of his apprenticeship, not because he was an unlearned person, but because as he could not conscientiously sign the articles of the Established Church, the rule was not to be relaxed. This was a practical grievance; but if that were denied, he must insist that it was a practical degradation. He (Mr. Stanley) was most anxious to afford the Established Church every protection, consistent with doing justice, however, to all classes of the subjects of the realm; and he was confident, that the Church would not be best supported by keeping up and maintaining the present system of exclusion. If he might be permitted to express an opinion upon the subject, he would say, that the spread of dissent from the tenets of the Established Church was to be attributed, in respect to the poorer classes, to the insufficiency of religious instruction; and with regard to the higher classes, he would say, that the dissent amongst them arose from the strictness with which the system of exclusion was drawn round the Church. To induce the Dissenters to attach themselves to the Church Establishment, no better course could be suggested than to admit them to full and free intercourse with the members of that Church. The question of exclusion, he regretted to say, affected the Universities generally, but was elsewhere carried to a much greater extent than in Cambridge. The right hon. Gentleman (Mr. Goulburn) had asked, what would be the system of education pursued in the University of Cambridge, in the event of the Dissenters being admitted to take degrees there? If the right hon. Gentleman had been speaking as an Oxford man, then he could have understood the object of that inquiry; but, in the system of education adopted at Cambridge at present, the proposed relaxation in the regulations would not make any change whatever in that establishment, because even now, Protestant Dissenters and Roman Catholics were admitted within its walls, and were mixed up in the discipline and practice of the colleges; so that the admission of these parties to degrees could not interfere with the course of education at present practised. In Oxford, however, the case would be different, and, as a member of the Church of England, he most deeply lamented the system in that University. He must say, that young men of sixteen or seventeen years of age, ought not on their entrance to be called upon to subscribe the thirty-nine articles, which, in all probability, in nine cases out of ten, had never been read or considered. Such a system, he must contend, was most injurious to the real interests of religion. He would go further with regard to the discipline of the University, and most unhesitatingly express his entire dissent from the compulsory attendance of the students, morning and evening, in the chapels of their respective Colleges. He complained, that day after day, and week after week, young men were called from their wine, at five or six o'clock in the evening, to attend divine service in the chapel, from which they returned to their wine again. This system was most injurious to the morals of the youth of the country, and was calculated more to deaden all feelings for religion, than if all the Dissenters of England were admitted to the honours of the University. He would not now enter into the details as to how far, and in what manner it might be expedient to modify the admission to degrees of Dissenters—whether to all the honours, all the civil privileges, and whether there should be any restrictions with regard to the internal government of the University. The prayer of the petition, it was true, excluded any interference with the separate Colleges. The time to which the sitting of the House was limited having already expired, he would not say more, than to request the hon. Member for Ashton-under-Line

(Colonel Williams) to postpone his motion having reference to this subject, which stood for this evening. The subject was new to the House, but the discussion upon the petition would do much to bring men's minds acquainted with all the bearings of this subject. It was, however, very evident, that the House was not at present competent (at least he himself felt incompetent) to say, to what extent the relaxation of the restrictions ought to go, or in what mode that relaxation would be best effected. By a postponement of the question, the House would be enabled to consider these points, and be better prepared to discuss the general and particular question. For the same reason, he should urge a similar request on the hon. member for South Lancashire (Mr. G. W. Wood) who had a Motion bearing on the question, which he hoped the hon. Member would postpone.

Colonel *Williams* said, that the tone in which the subject had been taken up by the Government was sufficient to induce him to accede to the request of the right hon. Gentleman opposite.

The Speaker left the Chair, and the debate was further adjourned.

South Sea Company.] Mr. *Brocklehurst* rose, in pursuance of a notice he had given of his intention to move for a Select Committee, "To inquire into the constitution of the South-Sea Company, with a view to pay off or transfer the funds of the said Company to the Consolidated Fund, and to provide for the payment of the dividends thereon by the Bank of England." The hon. Member said, that in bringing this Motion under the consideration of the House, a very slight glance only at the origin of the South-Sea Company, and its progress to the present time, might be requisite, as we had to deal with it as we found it, rather than in reference to what might be its course of proceeding in times gone by. Its origin took place in the reign of Queen Anne, for during the long war with France in that reign, the payment of the sailors of the royal navy being neglected, they received tickets instead of money, and were frequently obliged to sell those tickets at a discount of forty or fifty per cent. By this and other means the debts of the nation unprovided for by Parliament, amounting to 9,000,000*l.* and upwards, fell into the hands of money-lenders; on which Mr. Harley, the then Chancellor of the Exchequer, proposed to allow the proprietors of these debts and deficiencies six per cent. per annum, and to incorporate them for the purpose of carrying on trade to the South Seas, under the title of "The Governor and Company of Merchants of Great Britain, trading to the South Seas and to other ports of America, and for the encouraging the fishery, &c." Various acts subsequent to the Act of Incorporation had been passed for the regulation of the affairs of the Company; some of the acts to enable them to increase their capital, others requiring a reduction, and among them a singular one, the 8th of George 1st, enabling them to dispose of effects in their hands by way of lottery. Above thirty acts connected with the Company he had examined into. The year 1720 was the period of the bubble speculations, the history of which was just now worthy the consideration of the speculative portion of the public. In 1748, the Company had virtually ceased to be a trading Company, and were merely a convenient channel through which the Minister of the time managed the public monies, and from that period to 1806, their affairs remained comparatively undisturbed, when the growing state of the trade of the country called for some changes as to the monopoly possessed by the South-Sea Company, and, by the 47th of George 3rd, some of their exclusive privileges of trading and granting licenses were repealed. The most important act affecting the company was the 55th of George 3rd, c. 57, which repealed the provisions of all former acts, granting exclusive privileges of trade to the South-Sea Company, and this Act indemnified them for the loss of such privileges, by raising the interest on their capital from three up to three and a-half per cent; and to secure this increase of interest, the Act established a guarantee fund, to be raised out of certain duties on blubber and other merchandise imported from within the limits of their exclusive trade. A clause of this Act empowered the Government, on completion of the Guarantee Fund, to pay the amount over to the stock-holders and to dissolve the Company. These were the features in the extraordinary history of the Company that appeared to him worthy of detailing to the House. He now begged to call the attention of the House to some facts as to the present affairs and management of the Company. On turning to the returns of our national expenditure, the sum of 5,900*l.* 9*s.* 8½*d.* appeared to be annually paid for the management of their capital; and on going further, he observed this remarkable item of 10,174*l.* 18*s.* 1*d.* to make good the annual deficiency of profits. At first sight, it occurred to him that many other interests, both commercial and agricultural, might at times find their way to the Treasury with similar claims for indemnity for loss of profit, and it led him to take pains, so long ago as last Session, to trace out the origin, progress, and present circumstances of the Company, and it soon became evident to him that this Company was not only a cumbrous piece of machinery, but also a channel of unnecessary expenditure of the public money. The capital of the Company now consisted of 3,662,784*l.* 8*s.* 6*d.* stock, which was originally lent to Government at three per cent., and when, by the 55th of George 3rd, the Company gave up the privileges of trade, though they had long ceased to exercise them, the interest on their stock was raised to three and a-half per cent., until such time that the Guarantee Fund should accumulate to 610,464*l.* 1*s.* 6*d.*, when it should be in the power of the Government, on paying over this sum to the proprietary, to annul the charter and to dissolve the Company. By the balance-sheet of the South-Sea Company it appeared they had the charge of paying the dividends on three small portions of the National Debt,—namely, 3,497,870*l.* 2*s.* 7*d.* Old South-Sea three per cent. Annuities, 2,460,830*l.* 2*s.* 10*d.* New-South Sea three per cent. Annuities, 523,100*l.* three per cent Annuities of 1751. Now, he must here call the attention of the House to the broad distinction that existed bewixt the proprietors of South-Sea stock and the receivers of these annuities; these latter had nothing to do with the Company beyond receiving at their hands the dividends as they became due from the Government, the interest, three per cent., being the same as on three per cent. Consols and three per cent. reduced, and the dividends were paid at the same periods of January and July, and April and October, and to these annuitants it was the same thing whether they received their dividends at the counter of the South-Sea House, or at the counter of the Bank of England; but, by consolidating these small annuities with the Consols and Reduced, a great advantage would be conferred on the annuitants, for owing to these stocks being in the hands of the South-Sea Company, and being of small amount, they were not often inquired after by the public, and generally sold for one and a-half to two per cent. less in the market, although the dividends were the same, and also the periods of payment the same. But the Government might, he believed, save the public the 5,900*l.* paid for management, as he had good reason to suppose, that the Bank of England, for the advantage of the balance of dividends lying in their hands, would consent to manage these small sums free of charge to the public, as no extra charge clerk would be required to their present establishment, and his reason for saying so was, that he understood the Bank was now arranging to manage the Exchequer-bills gratuitously for the same consideration—that of the balances it would leave in their hands. He would now briefly refer to the interests of the real proprietors of the South-Sea Company, and he must *in limine* state, that he was not one who would sacrifice individual interests at the shrine of public good; the protection of these interests formed with him a primary object of solicitude, and he was happy to say, that whatever anxiety he felt on this point, had within these few days been entirely dissipated by a letter which he had received from some of the principal and most respectable proprietors in and around London; and although their letter went to confirm his previous views, it would be only an act of justice towards those gentlemen if, with the permission of the House, he should read their letter, in which they candidly set forth the advantages that would result to themselves and the country by the extinction of the South-Sea Company. The hon. Member was proceeding to read the letter referred to, when

Mr. *Cobbett* said, that the hon. Member had no right to read his speech.

The *Speaker* said, that it was undoubtedly out of order for a Member to read his speech, but to read documents and refer to details was not only not out of order, but a general adoption of the course would lead to the avoidance of many mistakes.

Mr. *Brocklehurst* said, that his reasons for going into this detail were, that the country might know what he was doing.

The hon. Member then read the letter referred to, which was as follows:—

To John Brocklehurst, Esq. M.P., &c.,
March, 1834.

Sir—We, the undersigned holders of South Sea stock, beg leave to make known to you our unqualified approval of the Motion you are about to submit to Parliament for an inquiry into the state and affairs of the South Sea Company.

Should this inquiry be granted, we feel quite confident that it will be found equally advantageous to all parties to put an immediate end to the present unsatisfactory state of that Company.

It may be well to recollect, that when the tonnage duties were originally appropriated to the establishment of the guarantee fund, they were very productive, and continued so for some years, but Government having remitted part of those duties they rapidly decreased, and for the last eight or nine years have only produced the insignificant sum of 3,000*l.* or 4,000*l.* per annum, consequently the completion of that fund must be protracted to a period far more remote than was ever contemplated by either party. This is felt as a severe hardship by the proprietors of South Sea stock, who only wait that event in order to make a division of the surplus balance in the hands of the Company, amounting, as per the half-yearly statement, to the sum of 193,000*l.* But this is not the only injurious effect that will result to them from this unexpected delay, for until some favourable change takes place in the affairs of this dormant company, the proprietors must continue to suffer from the greatly depreciated price their stock invariably bears in the stock market.

We trust, Sir, you will not consider it presumption in us, if we venture to suggest, that a prompt and effectual mode to remedy these evils would be for Government to annul the charter and dissolve the company. This may at once be effected by Government's anticipating the completion of the guarantee fund, and making over the amount to the Company; this operation to be followed by converting the capital of the Company into 3 per cent consols, and incorporating the same into the great mass of the 3 per cent Consolidated Bank annuities. This process would be found productive of the following beneficial results to Government:—

1st. The extremely complicated accounts now subsisting, and which, without this, must continue to subsist to a very distant period, would instantly be done away with.

2nd. An annual saving of several thousands would also be effected.

3rd. A large amount of arrears, consisting of unclaimed dividends, now in the hands of the Company, would be transferred over to Government, and thus become available for the public service.

4th. The Capital of the Company, amounting to about 3,660,000*l.*, is at present a *bona fide* money debt on the part of Government, but by converting that amount into a like sum of 3 per cent consols, Government would actually redeem that portion of the national debt at the rate of somewhere about 90 per cent, instead of paying it off at the par of 100, thus securing to the public an eventual saving of no less a sum than 300,000*l.* to 350,000*l.* sterling.

It may at first sight appear incompatible that an operation of this description should prove equally beneficial to both the contracting parties, but it need only be kept in mind, that on the dissolution of the Company the heavy charge of 11,000*l.* sterling per annum, now expended for the maintenance of the establishment, would instantly cease. A considerable sum would also be produced by the sale of those valuable and extensive premises now occupied by the Company in Threadneedle-street.

From all these considerations, we are induced to hope, that no trifling obstacle or legal technicality will be allowed to interfere with the adoption of a measure that undeniably will prove profitable both to the Government and the Company, more particularly as, on reference to the records of Parliament, it will be seen that several chartered companies have at various times been dissolved when found to have become, like our own, totally inefficient and useless.

We have only to add our conviction, that the general body of proprietors will readily unite with ourselves, who have a large interest in the funds of the Company, in assenting to any equitable arrangement Government may think proper to propose for effecting the desirable object herein suggested.

Be assured, Sir, by persevering in your patriotic efforts to promote a measure so manifestly conducive to the general good, you will not only insure the gratitude of the individuals who now address you, but that of the public at large.

Believe us to remain, with the greatest respect, &c.,

J. Capel.
G. Paton.
M. M. De Costa.
J. Linton.
J. Clelan.
J. Rayley.
A. Mocatta.
M. Mocatta.
R. Williams, (for the Hope Assurance Company.)
M. Lindo. Jun.
W. Hammond.
J. Pulley.
J. De Hague.
C. Smith.
A. L. Mocatta.

The subject had long been pursued by a very extensive and very respectable proprietor, Mr. Mocatta, who had done him the favour to place in his hands a few very important memoranda, concisely elucidating the advantages to be derived from the change; which, with the permission of the House, he would read. The hon. Member accordingly read, A further elucidation of the consequences resulting from the dissolution of the South Sea Company.

The complex machinery which now connects it with Government will be at once removed, whereby the Government financial statements will be simplified and freed from the obscurity in which that branch of their accounts is at present involved.

The Company possess the right of issuing their bonds or notes, and should they at any future day avail themselves of that privilege (an event highly probable), it must greatly interfere with the interests of the Bank of England, and by creating a redundant paper currency prove equally detrimental to the country at large.—Annul the charter, and this evil is averted.

The operation of the guarantee fund at its present rate of accumulation will on an accurate calculation occupy a period of 23¾ years, but its duration may be greatly prolonged from the undermentioned circumstances—viz:

By a rise in the price of the Government funds.

By a remission or diminution in the product of the South Sea duties.

By any property or income-tax attaching to the public funds.

By a reduction of interest on the Government funds.

Either of these events would essentially diminish the means of accumulation, and in that case the completion of the guarantee fund could not be effected in a less period than 25 or 26 years.

The dissolution of the Company by the Legislature would clearly be conferring a great boon on the proprietary, to whom the results would be sufficiently advantageous without requiring from Government any bonus whatever for the surrender of their charter.

The pecuniary results to Government will appear by the following statements.

The charge now annually paid by Government is as follows:—

For managing the South Sea annuities and 3 per cent 1751	5,900
The Company's deficiency, as per half-yearly statements,	9,374
	15,274

	3 per Cts.
On dissolving the Company, Government must immediately complete the amount of stock now intended to be produced by the slow operation of the guarantee fund—namely,	610,464
Deduct the amount already accumulated,	223,920
So that the Government must at once give the holders of South Sea stock credit for	386,544
	Sterling
The money value of which, taking consols at 88 is	340,159

		Per Annum.
But if Government were to adopt this course, they would be relieved from all future payments of the abovementioned charges, amounting to		15,274
(which, for the reasons before assigned, it is assumed they will otherwise be chargeable with for a period of 25 years);		
And they would receive for their own use and benefit, during the 25 years, the South Sea duties, estimated at		3,200
Government would then, also, have the advantage of holding for the 25 years arrears of dividends, as shown in the half-yearly statements of the Company's accounts amounting to	£116,361	
And a further sum of	38,000	
Being arrears of the Company's trading and bond debts, making, together	£154,361	
This sum invested at an interest of 3½ per cent per annum, will produce		5,400
Gross annual gain for 25 years		£23,874
From this, however, must be deducted the Bank charge for managing the Government funds, now managed by the Company—say about 10,500,000*l.*, at 300*l.* per million		3,160
Leaving Government in possession of an annuity for 25 years		£20,714
The worth of which annuity, calculated at the present market price, is		346,968
Deduct the present value of the 386,544*l.* 3 per cents to be advanced to the South Sea proprietary		340,159
So that there would be an actual gain to Government by the projected operation of		£6,908

Besides Government would recover into its own hands the sum of 116,000*l.*, being the amount of arrears on the public funds, and which appeared by the Company's statements to be the usual balance in hand, with very little variation, for many years past; and Government would also be put into immediate possession of the sum of 38,000*l.* being the amount of the unclaimed bond and trading debts of the Company. These debts have been outstanding during a period of eighty to 100 years; it may be fairly presumed that no claimant will ever appear, consequently this sum of 38,000*l.* must absolutely devolve to Government.

He should add only another reason or two why this Company should be extinguished; they negociated in vain for the dead weight, and the Bank undertook it on better terms; and in 1832 and 1833, when the Government were driving a bargain with the Bank, this South-Sea Company, if it had possessed any talent for business, might have come forward with a proposal to take a good slice of the management of the debt on better terms; but it slumbered at its post, and evinced a total inability to serve the public; the golden opportunity for twenty years had been allowed to pass away. The South-Sea House might be applied to the use of some of the projected establishments for national registry, poor-law commission, &c.; and if a fair price were given for it, raise the means for a retiring fund for the clerks. The Sub-governor and Deputy-governor, and twenty-one Directors, could have no cause to complain, as they were elected for three years, two and a-half of which were expired, and by the time the affairs were wound up, they would be entitled to the remainder of their sinecure pay, and could set up no objection on the plea of injured vested rights. He had entertained a hope that the Government would have had an opportunity before the recess to have taken up the subject; but as this was not the case, he should, with permission of the House, for the present, withdraw his Motion for a Committee, and take as early an opportunity as possible after the recess to move for it; and, as a ground-work for this future proceeding, he should beg to move that the returns he held in his hand be laid on the table. They related to the state of the affairs of the South-Sea Company up to the 5th of April, 1834, and also to the transfers of stock made by the Company up to the same period.

Motion agreed to.

EMPLOYMENT OF LABOURERS' BILL.] Sir *C. Burrell* moved for leave to bring in a Bill to explain and amend the Act of 2nd and 3rd of William 4th, for the better employment of labourers in agricultural parishes. The Bill which he wished to introduce was similar to one which, he regretted to say, was rejected by the House last Session. He was then satisfied of the necessity of some measure of the kind, and all that he had since heard had increased his conviction of the necessity of some arrangement like that in the Bill he intended to propose. There were several hon. Gentlemen present who knew that the best arrangement for the employment of agricultural labourers, so as to prevent their becoming chargeable to the parishes, were often set at nought by the obstinacy of one or two individuals, and, therefore, it became necessary to apply to Parliament for a legislative enactment. It often happened, in consequence of the obstinacy of some of the rate-payers, a number of the labourers were thrown on the parish, and were employed, at a low rate, in repairing the roads and bye-lanes, or in stone-pits, to the demoralization of the labouring classes, and to the great increase of the Poor-laws. He did not think that, under such circumstances, it was surprising that insubordination prevailed in many places. He would venture to assert, that when such a system prevailed as he proposed in his Bill, there would be order and satisfaction on the part of the labouring classes. He was aware that many persons were opposed to the principle of his measure, but, he believed, that most of such opposition was founded on theoretic views. He was convinced that, however the plan might be objected to in theory, it would be found good in practice. He could speak, from experience, as to his part of the country, where the plan he proposed had been productive of the greatest good. It might be said, that the Commissioners of the Poor-laws objected to his proposition, and that the general measure to be brought forward by the Government, which was founded on the Report of the Commissioners, would supersede the necessity of this Bill. He, however, thought that the House should have laid before it different views of legislation on the subject, so that they might be the better able to arrive at a sound conclusion on the subject. He hoped, under the circumstances of the case, there would be no objection to introducing the Bill and allowing it to be printed. He had no wish to carry the measure hastily through the House, and should be happy to adopt any suggestion lkely to improve it.

Mr. Secretary *Stanley* hoped, that the House would allow the Bill to be introduced without entering into any discussion on the subject. The Report of the Poor Law Commissioners was under the anxious consideration of his Majesty's Government, and a general measure would be submitted to the House founded on it. He trusted, that the House would consent, without the expression of an opinion either of approbation or disapprobation, that the Bill should be laid on the Table.

Mr. *Cobbett* knew of many parishes in which the adoption of the plan proposed by the hon. Baronet had been productive of the greatest benefits. In the parish of Farnham, with which he was connected some years ago, there were several hundred families on the poor-rates; but since the adoption of this plan he believed, that the number of paupers was very inconsiderable. With respect to the Poor-Law Commissioners he would only observe, that they had put many gross falsehoods into circulation. It had been proved in petitions presented to that House, that many statements in their Report were utterly and entirely without foundation. He knew, that the passing of the Bill of the hon. Baronet would be productive of the greatest benefit to the country. He, therefore, gave it his hearty support, and trusted, that it would be proceeded with before any of the projects of the Poor-Law Commissioners could be carried into effect.

The Motion agreed to, and the Bill ordered to be introduced.

CHANNEL FISHERIES — SEIZURE OF ENGLISH BOATS.] Sir *John Tyrell* was anxious to put a question to the noble Secretary for Foreign Affairs on a matter of great interest and importance. The subject he alluded to related to the seizure of four British vessels engaged in the fishing trade so far back as July last. Great anxiety was felt on the subject by many persons engaged in the fisheries; and they entertained hopes, that they should obtain some redress through the agency of the noble Lord. He had no wish to prejudice a question which might not be yet decided; but he hoped the noble Lord was in a situation to inform him what had been the result of the negotiation on the subject. The anxiety that was felt by persons engaged in the fishing trade had been much increased in consequence of the aggression on the part of an armed French ship on some English fishing-vessels. In that case, a person had been killed, and the Coroner's Jury had returned a verdict of "Wilful Murder."

Viscount *Palmerston* was well aware, that the question had for some time past produced a great deal of excitement among the maritime population on the southern and eastern coasts. The matter had been brought under his attention, and a communication had been made to the English Ambassador at Paris by the French government. Some correspondence had taken place on the subject, but he was not prepared to say what was the result, as the matter was not yet settled. He need not say, that his Majesty's Government was fully aware of the importance of the subject, and every care would be taken to bring the matter to a satisfactory conclusion. He could not go into the other subject which had been alluded to by the hon. Baronet at present.

Mr. *Goulburn* wished to know whether any steps had been taken to secure the rights of British fishermen. In the case alluded to, the fishermen were acting in strict conformity to the provisions of the Treaty, and yet they were seized and carried into a French port by armed vessels. In the recent aggression an English fisherman had been killed.

Sir *James Graham* said, that there was one fact connected with the last case which had escaped attention, namely, that the English fishing-boat was within two miles of the prescribed limits. Whenever the agreement existing between the two Governments respecting the fisheries was not violated every care should be taken to protect the fishermen.

Mr. *Halcombe* wished to know whether the attention of the First Lord of the Admiralty had been directed to the Report of the Committee of last year on the state of the fisheries? The Report alluded to the want of protection to the fisheries on the English coast, and stated, that the French vessels were much larger than our own, and, from their mode of fishing, they were likely, in the course of a few years, to destroy the fisheries. At present he believed, that more than half the supply of herrings and other fish to the London market was brought by French vessels. The French government prevented the English boats going within nine miles of the coast, but the English Admiralty never interfered in the matter.

Viscount *Palmerston* would only observe, that the subject was one of considerable difficulty, and was under the attention of the Government; he, therefore, did not think, that it was desirable to go on with the discussion.

The subject was dropped.

Exchequer Receipt Bill.] Sir *James Graham*, in moving the further consideration of the Report of the Exchequer Receipt Bill, said, that he intended to propose that two alterations should be made in the Bill. The first alteration he intended to propose was in consequence of a suggestion made by the right hon. member for Harwich (Mr. Herries). He (Sir James Graham) had proposed, that the Comptroller should only be removable from his office in case of the Address of one or both Houses of Parliament; but the right hon. Gentleman suggested, that in case of such removal the Comptroller might consider himself entitled to compensation. He, (Sir James Graham) therefore, proposed an Amendment, that in such case the Comptroller should not be entitled to compensation, but that the office should be subject to alteration and under the control of Parliament. He had also proposed that no person holding the office of Comptroller should be able to hold any office in the appointment of the Crown during pleasure. The right hon. Gentleman (Mr. Herries) had objected that the Clause was not sufficiently comprehensive, as there were persons holding office during pleasure connected with the Government, and yet not directly appointed by the Crown—namely, such as the Secretary of the Treasury and the Under-Secretary of State. He (Sir James Graham) had felt the force of the objection, and intended, therefore, to propose that the Clause should be amended, so that it would run that no person holding the office of Comptroller of the Exchequer should hold any office during the pleasure of the Crown, or any appointment under the Crown. Some objection had been made to Lord Auckland being appointed to the office of Comptroller of the Exchequer as he held the office of Treasurer of Greenwich Hospital. He (Sir James Graham) did not consider, that there would be any serious objection to the appointment of Lord Auckland; but, to remove all doubt, he would propose a Clause to meet the case of Lord Auckland, which stated that that noble Lord should be allowed to hold both offices. If this arrangement was effected, the noble Lord (Lord Auckland) would give up two pensions he then held—namely, one of 400*l.* and the other of 300*l.* a-year. He need not say, that the arrangement he proposed would be of an economical nature. In conclusion, he would only add, that from the manner in which Lord Auckland had performed the duties of the office over which he presided, and from his experience and habits of business, he was more competent to fill the office of Comptroller of the Exchequer than any other person whom he (Sir James Graham) knew. The right hon. Baronet concluded by proposing his Amendments to the above effect.

Mr. *Goulburn* admitted, that the two former Amendments had removed some of the objections that he had entertained. He was extremely loath to enter upon a discussion in which there was any thing like a personal matter; but he felt bound in duty to object to the appointment of Lord Auckland. He would much rather that Mr. Ellis, the Clerk of the Pells, should be appointed to the office of Comptroller than the noble Lord. The very principle of the measure of the right hon. Baronet was, that no person holding any office under the Crown should be the Comptroller of the Exchequer. That officer had some check and control over the expenditure of the public money; and it was most desirable that he should be perfectly independent of the Treasury. He approved of the Clause establishing that principle; but, in proposing to make an exception of Lord Auckland, the right hon. Baronet was, in point of fact, destroying his own principle. What was there to prevent future Governments from claiming similar exceptions? It was most objectionable that the first appointment should be a violation of the principle laid down in the Bill.

Mr. *Tennyson* said, that the office which Lord Auckland now held in Greenwich Hospital being held at the pleasure of the Crown rendered it impossible for him, without contravening the principle of this Bill, at the same time to hold the office of Comptroller of the Exchequer. He did not mean to cast the slightest reflection on the character of Lord Auckland; but he could not help saying, that making the noble Lord an exception to a general rule applicable to all persons who should come after him was, to say the least of it, inconsistent. Without some further explanation, therefore, he could not consent to vote for the proposition of the right hon. Baronet.

Mr. *Herries* agreed with his right hon.

friend (Mr. Goulburn) that it was incompatible, according to the principle intended to be established by the right hon. Baronet (Sir J. Graham), that the office of Comptroller of the Exchequer, and another office held at the pleasure of the Crown should be filled by one and the same person. Although he approved of other parts of the measure, he could not give his assent to such a proposition as that.

Mr. *Warburton* observed, that the proposition which the right hon. Baronet had made for rendering the office of Comptroller of the Exchequer independent was in conformity with a proposition which had been thrown out by his hon. friend, the member for Middlesex. Nominating any person to the office who held another situation during good behaviour would be such a violation of the principle of this proposition that he should certainly resist it.

Sir *James Graham* said, that after what had passed he did not think he should be justified in pressing for a division on the Clause relating to the appointment of his noble friend to this office. He should, however, persist in introducing the clause establishing the principle which had been adverted to, although he would not undertake the responsibility of bringing forward the other clause.

The Clause relating to the appointment of Lord Auckland was withdrawn, and the other Clauses were agreed to, and Report received.

THE POLISH EXILES.] Colonel *Evans* said, he had to present a petition from certain noblemen and gentlemen in favour of the Polish Refugees, to which he was anxious to call the serious attention of the House; but before he did so he must express his regret at the great impediments which were thrown (he did not say intentionally) in the way of those who had petitions to present in that House. He had had several, and had come to the House fourteen or fifteen days without being able to get an opportunity of presenting them. This was a serious inconvenience to many Members, and was attended by this additional mischief—that it was often difficult to explain to parties from whom the petitions came, that the delay did not originate with those to whom they had been confided. He mentioned this in the hope that some measure might be adopted in relation to the business of the House in the morning sittings, by which, if possible, such delays might be avoided. The petition which he held in his hand was agreed to at a public meeting held some time ago to consider the state of the unfortunate Polish exiles now resident in this country. A society had been formed a considerable time back for the relief of those unhappy victims of despotism, and by its means relief had been afforded to an extent which went to alleviate the sufferings of many of them; but the funds of that society were now completely exhausted, and there was no resource left to the friends of those exiles but to come forward, as the petitioners now did, to entreat the sympathy and consideration of that House to their case. The petitioners stated, that it was a duty incumbent on nations as well as on individuals to afford relief to those whose sufferings gave them a claim on their sympathy. When one individual suffered from the oppression of another, there was generally some tribunal from which the sufferer could obtain redress; but when one nation was suffering from the oppression of another, the sufferers had no remedy but in the general sympathy and compassion of those amongst their fellow men of all nations, who abhorred such oppression. The number of Polish exiles now in England was but small—probably not more than 100; but their numbers had of late been increased by the fact that many had recently been driven from other countries in Europe, in which they had sought an asylum, by the powerful influence of the Russian court. They, therefore, sought our shores, where they believed they would be more free, and less exposed to any danger from Russian influence. As they had come amongst us, he did think, that the peculiarity of their circumstances gave them a strong claim on the compassion and benevolence of the nation. The French government had fully recognized the principle of giving relief from the public purse to those Polish exiles who had sought a refuge in that country, though it could not be said, that France was better able, financially or politically, to grant such relief. The Government of this country had on many occasions established the principle of giving aid to foreigners who were driven by political causes to seek an asylum amongst us. Without going back to the instances in which protection and relief had been given to the Hugonots and the Flemings who had sought refuge here, he might mention that, in the early part of the French war, we received and pensioned a large number of refugees who were driven from France, and in 1823 we received and relieved by public money a large body of the Spaniards who sought refuge here. It was true those Spaniards had a very strong claim upon us, as they had been engaged along with us in the contest which we had been carrying on against the ruler of France; but in his opinion the Polish exiles at present amongst us had almost as strong a claim. As contracting parties to the Treaty of Vienna, we were guarantees of the government which was at that time established in Poland. No doubt, a war had followed, which for a time put an end to that government; but he believed that though the Polish nation could not send envoys to the Courts of Europe, or that, as she was circumstanced, any such envoys distinct from the Russian government in Poland could be received in any of the European Courts, yet that the Polish nation had found means to make to several of the European Courts strong complaints of the tyranny under which they groaned, before they had attempted by open force to shake off that tyranny. Under these circumstances, he thought that those members of the Polish nation who had sought an asylum amongst us had very strong claims upon us as a nation. It was too well known, that the dominating influence of Russia in the Courts of Europe was every day becoming more serious; and though he would not say, that we had yielded to that influence, yet he must assert that the present Government, and still more their predecessors in office, had deferred more to it than was becoming in the Government of these kingdoms. The Poles had a strong claim upon this country, and we were bound to assist them, if it were only to show to the rest of Europe that we were not under the influence of the Cabinet of St. Petersburgh.

The Petition was read.

On the Question, that it lie on the Table,

Sir *Harry Verney* was glad to find, that the situation of the unfortunate Poles could never be mentioned in that House without calling forth the strongest sympathy for those victims of Russian oppression. He hoped, that his Majesty's Ministers would take care that no greater accession of strength should be permitted to a power which was already too strong for Europe. It had been said, that the late discussions in that House had excited great anger in the Court of St. Petersburgh. He was not surprised that it should. Russia would, no doubt, if she could, endeavour to stifle the voice of freedom in every country; but he trusted, as had been once said by an hon. and learned Member of that House who now presided over the other House of Parliament, that that House would ever continue a free and open tribunal, to which the distressed and oppressed of every nation might apply, and not apply in vain, no matter how high and powerful were their oppressors. That was said on a discussion relating to Poland, and as that noble and learned Lord was now in a station which justly gave him great influence in the councils of his Sovereign, he trusted that he would now exert his influence in doing something to alleviate the distress which had been brought upon so many distinguished natives of ill-fated Poland. Anything which we could do in the way of pecuniary aid would be some, though but a slight, alleviation of the misery of men who once moved in the highest ranks, and enjoyed the highest dignities in their own country, but were now driven by Russian despotism to come to us as beggars for the means of subsistence. This country was looked upon as the natural, he might say the constitutional, head of freedom in Europe. We had given shelter and protection and pecuniary relief to the Spaniards and to the French, and he did not see on what principle we should now withhold it from the brave and patriotic Poles who were in misery amongst us.

Mr. *Sinclair* gave the prayer of the petition his most cordial support. The feeling in favour of the Poles was very strong, and had been very generally expressed in Scotland. In that country considerable sums had been raised to assist the distressed Poles in Great Britain.

Viscount *Palmerston* said, that every person of a feeling and humane disposition must spontaneously respond to the sentiments of sympathy which had that evening been expressed in favour of the Poles; but the feelings which himself and colleagues might entertain on the subject, as individuals, were a matter very different from voting away the public money in their capacity of responsible Ministers of the Crown. He (Lord Palmerston) was not at liberty to hold out any hope to the gallant Colonel, that Government would sanction any grant of money to the Polish exiles now in this country. The gallant Colonel had referred to the case of the Spanish refugees and French emigrants; and contended, that because a former Government had afforded them pecuniary relief, the present Government ought to extend pecuniary assistance to the petitioners. The cases were quite different. The Spanish refugees who received assistance from this country, were men who acted in concert with the armies of Great Britain during the Peninsular War; and it was because of their active co-operation with our troops, that they were expelled their own country. With respect, again, to the French emigrants, they were entitled to assistance from this country, because it was in obedience to the advice of England that they had rebelled. Our shores were open to the distressed of all countries, and our laws afforded protection to the afflicted of all kinds; but it would be unfair to expect, that the unfortunate of all countries should receive pecuniary support from the Government. The sum which the gallant Colonel wished to be bestowed on the refugee Poles might not be great; but it was not the mere amount of money, but the precedent which the grant would establish, that the House ought to take into consideration. If the principle were once established, that foreign refugees were entitled to pecuniary relief, it would be found afterwards to be a very difficult matter to draw the line of distinction between those individuals and other foreigners, who, at a future time, might present their alleged claims for similar aid. He did not see on what principle they could give the assistance which the petitioners desired, and refuse relief to those Poles who might afterwards come over to this country in great numbers, and whose claims to pecuniary relief might be greater. The gallant Colonel had grounded the claims of the petitioners to relief on the circumstance of an infraction by Russia of the Treaty of Vienna, to which treaty this country was a party; and had stated, that England, in consequence of such infraction, would have had a right to rescue the Poles from the grasp of Russia by force of arms. He (Lord Palmerston) admitted, that England would have had a right to go to war with Russia if she thought proper; but Government did not think that, under all the circumstances of the case, it would have been expedient for England to go to war with the emperor of Russia. The mere fact of this country being a party to the Treaty of Vienna, was not as synonymous with our guaranteeing that there would be no infraction of that treaty by Russia. He must repeat, that while there must be a feeling of sympathy in every heart in favour of the unfortunate Poles, Government could not hold out any hope of extending pecuniary relief to them.

Mr. *O'Connell* had heard the speech of the noble Lord with surprise and regret. The noble Lord had said, that to grant relief to the Poles would be against precedent. It would not be against precedent, but the contrary. The vials of his wrath were, in so far as words were conceived, poured out on the head of Russia; but, in God's name, why did not our actions correspond with our words? Every man ought to feel it a degradation of his country, that Poland had been suffered to become the victim of the contemptible and brutal despot of Russia. He (Mr. O'Connell) trusted that justice to the national feeling on the subject of the wrongs of Poland would yet be done, and such a strong expression of the public will, pronounced, as would drive the barbarians and ruffians of Russia out of the pale of society. The noble Lord had said, that the Spanish refugees received pecuniary assistance from this country, because they had been our active allies in the Peninsular War; that was not the ground on which that relief was extended to them. They were relieved in the year 1823, not because of any sufferings they endured as our allies, but merely as an act of benevolence. The noble Lord, in speaking of the relief which had been extended by a former Government to the French emigrants, had stated the reason why such relief was granted, to be, the circumstance of this country having encouraged them to revolt. That was the case with a small fraction of those emigrants, but not with the majority. The grant, as in the case of the Spanish refugees, was principally to be regarded as an act of benevolence. He was an advocate for national economy, and he wished it were more attended to in that House than it generally was; but he was not for carrying his notions of national economy so far as to refuse assistance to poor distressed creatures, whose claims to our sympathy and aid were so strong. He would like to see a sum of money given by the Government to the Poles, and would have it called Russian blood-money. The ambition of Russia was dangerous to the peace and well-being of Europe. He (Mr. O'Connell) would like to see a cordial alliance between England and France, to oppose the ambition of the Court of St. Petersburgh; but, if he did not greatly mistake the signs of the times, the traitorous Louis Phillippe did not, in reality, wish to keep up a good understanding with us, but was disposed to enter into an alliance with Russia, and that the two Powers were meditating a joint-crusade against European liberty. He thought it was high time for England to speak out in favour of Poland, and against Russian ambition. Russia, in defiance of treaties of the most solemn and binding nature, had blotted out Poland from the map of Europe—had extinguished its language—and had banished its youth. The gallant people of that country were now trampled under the hoof of the brutal and sanguinary despot of St. Petersburgh.

Mr. *Thomas Attwood* thought there could be no sense of shame left in the British Government after what had already passed. England had disgracefully deserted Poland. The people of England had already, in a great measure, taken the domestic Government of the country out of the hands of Ministers; and they would soon see the necessity of taking the foreign Government out of their hands also. The noble Lord had said, that the mere circumstance of this country signing the Treaty of Vienna, was not to be understood as guaranteeing the observance of that treaty. No honest man, in the private transactions of life would say so. Lord Castlereagh had expressly said, both verbally in that House, and in subsequent treaties, that this country, in signing the Treaty of Vienna, guaranteed the integrity of Poland; and Lord Castlereagh was, in his opinion, a far better man than the noble Viscount. Lord Castlereagh, before he died, demanded, in the name of England, the restoration of ancient Poland. Little did Lord Castlereagh think that, in the short space of ten years after his death, England would seek to hide herself in mean and paltry subterfuges, in attempting to justify her desertion of Poland. The noble Viscount admitted, that England had a right to go to war with Russia, because of her infraction of the Treaty of Vienna, but said it was not prudent or expedient. Never did a coward think it prudent to go to war; never was it prudent for a base mind to avenge such wrongs as those which the despot of St. Petersburgh had inflicted on Poland. The noble Lord had apologised, as it was foretold a-year ago he would, to the brute that kicked his country. Public opinion was growing strong on the subject of Poland, and the power of that opinion would, ere long, sweep away both the noble Lord and his paltry subterfuges. The noble Lord had said, as one reason why the petitioners should not have pecuniary relief afforded to them, that he could not afford the money. The sum of 10,000*l.* would not hurt the noble Lord and his party. Would it, then, hurt the country? Members had last year found they could afford to give away 20,000,000*l.* to the owners of the negroes in the West Indies, and yet they could not afford 10,000*l.* to the distressed Poles. He thought the noble Lord was under an evil star—that he was labouring under a species of fatuity to-night. He hoped he would be under a better star to-morrow; and he would then do an act of justice to the suffering Poles. Russia was rapidly extending her power on all hands. If the Ministers had taken his advice last year, and sent six or seven line-of-battle-ships to assist the Sultan, when he applied to this country for aid, we should not only have arrested the progress of Russian dominion in Turkey, but had the command of the Dardanelles, and the surveillance of Turkey, and, by that means, had a hook in the nose of Russia. In addition to the other gross insults and injurious impositions which the miserable inertness and vacillation of our Government of late had encouraged foreign Powers to put upon us, we were shortly about to have the Baltic closed against our vessels; he knew, as a matter of fact, that it was to be shut by a treaty on the point of being signed between Russia and Sweden. It was well known, that with a view to this end, Sweden, for the last six weeks, had been busily engaged in fortifying the Swedish side of the Sound. It was true, that Sweden had long been a close ally of England; but it was equally true, that disgusted with the criminal inertness, vacillation, and want of courage, so eminently displayed in our foreign policy of late, Sweden was now about to sign a treaty most injurious to us, with a Power which at least dared to countenance her friends. He wished to know whether, in this critical position, Ministers would throw off their inertness, and by the demonstrations which England was so well able to make, if its Government would give the word, deter Sweden from uniting with the Russian tyrant against us. He wished to know, too, whether Ministers were going to allow Russia and the Germanic Confederation to continue their unhallowed and fiendish persecution of the exiled Poles? Whether they would sanction the tyrants in drawing their threatened cordon round Switzerland, the land which had so nobly opened its arms to the sufferers? The power of England was competent to vindicate the rights, not only of the Poles, but of all the oppressed nations of Europe; why then not exercise that power in so just a cause? The monster Nicholas —the monster Nicholas—for he was a monster, and no Gentleman in the House, he was sure, could call him by a milder epithet; that tyrant of Europe was a mere image of brass and clay, which the power of this Empire could shiver to atoms, and ought to do so, if she wished well for the liberty and happiness of Europe. The force of Russia, which its bribed newspapers here had paragraphed into 900,000 men, was in reality but 300,000; and its other resources had been overstated to an equal extent. England could at one blow crush the bully to dust.

Sir *Samuel Whalley* hoped, that England would soon be in a condition to give that succour and relief to the emigrant Poles which she had already been known to afford to other less imperative, if not less worthy claims. He thought, that the Poles had a better claim upon our bounty than the Spanish or French, who were now receiving liberal allowances from this country.

Lord *Dudley Stuart* regretted the tone and manner which had been displayed in the address of the hon. member for Birmingham on the present occasion. This was not a question to be treated with levity. Never was a more just cause than that of the patriotic Polish exiles; and never was there a cause more seriously deserving the attention of all good men. When that cause was brought before the House last Session, men of all parties and feelings were found united in one common opinion of detestation and abhorrence of the oppressive cruelties of the Court of Russia, and of admiration at the patriotic resistance of the brave Poles. Yet Ministers had thought proper to oppose the Motion on that occasion; and those who supported it were told that it could have no effect. They were tauntingly asked, if they wished the Government to launch a mere *brutum fulmen* against Russia? He entreated Ministers to accede to the present petition, in order to prove to Nicholas and to the world, the sentiments entertained by the British Government and nation upon this subject. Not many years ago, the Government, much as they seemed now to be guided by notions of economy, granted a sum of 100,000*l.* to foreigners from Germany; and afterwards another similar sum to the Spanish refugees. The Government then was not guided by one fixed principle. Would the British Government tell the Polish sufferers, that there was no sympathy for them? He hoped they would not be guilty of so ungenerous and ungracious, ay, unjust, an act. But, no matter what might have been the expediency motives of the Government, he was sure there would be found one unanimous feeling of sympathy for them within that House. For himself, he would avow, that he was willing to labour zealously for them; he laboured to stir up the sympathy of the British public in favour of that suffering, harassed, and gallant people. He did not imagine, that the Government would have received the proposition with cold indifference. They said, that they had no funds available for the relief of the Poles, and that Parliament would not grant the required aid. But why would they not come down and ask Parliament for a grant? If they promoted a free discussion on the merits of the Polish question, and allowed a petition to be entertained, and the grounds and nature of its complaints to be canvassed—he did not believe that Parliament would reject the acknowledged justice of the claims of the Poles. It was not necessary for Ministers to have a phalanx of supporters to influence Parliament. Let them only appeal to Parliament, and Parliament would support them. The thing was not without precedent. The British Government had itself furnished examples of the sufferers of other countries being furnished with that aid that was due to the friends of freedom in a free country. The present petition emanated from a voluntary Society formed to assist the champions of Polish freedom. That Society spared neither time nor money to promote the cause they embarked in. Their funds were now exhausted. They could do no more, and they now appealed to the generosity and justice of the Parliament. It might be said, that the Poles might have supported themselves like other refugees. But it should be recollected, that when the emigrants came from France here, many years ago, they had resources which the present Polish emigrants had not. Many of them had connexions in the country; they could teach the French and other languages; they could besides, many of them, engage in works of handicraft. Now the Poles, who were almost all of them men who had drawn their swords in defence of their country, had not, in general, similar resources. They came to free and generous England, looking for that protection which she had so often before extended to men who had suffered in a less honourable cause, and to which they had good grounds for looking up, from their heroism, their unstained honour, and their sufferings. He would, if necessary, and should any exception be taken to the justice of their demands and to the expediency of granting them, on the ground that there was no evidence of their pure propriety of conduct, rest their whole claim to support on their manifestation of honourable principle, and on their meritorious conduct. There never was a class of emigrants who maintained, under all their difficulties, a higher bearing, and who were more exempt from reproach—nay, even from discreditable suspicion—than the Poles. They maintained here, as at home, the same lofty character for independence under all their privations. He would just state one fact in corroboration of his assertion. A friend of his, who knew of his exertions in favour of the Poles, said to him, that he was sure he (Lord Dudley Stuart) must have been exposed to great inconvenience from the multiplicity of applications for personal relief made to him. His answer was, and he would repeat it to the House, and in the face of the country, that he never had an application from any one Pole for assistance. In asking the House to aid the champions of Polish heroism and Polish liberty, and, he would add, the victims of Russian barbarity and despotism, he hoped he did not ask a boon that was abhorrent to the feelings of that House or of the country. Would the House or the country grudge the poor relief now solicited by those noble defenders of the freedom of their country? The sum required was so small, that it could not be opposed on the ground of national economy; and the ground on which it was asked could not be resisted on any principle of national or Parliamentary justice or generosity. If a large sum were demanded, then it would be excusable, if not fair, to refuse it, on the simple ground, that the Treasury had not funds applicable to that object, no matter what the object might be, though the object, sanctioned by a previous discussion of the question in Parliament, and approved of by the general voice of the country, was undoubtedly one that enlisted on its side the whole sympathies of the nation. He was not the advocate of reckless expenditure, as was, he hoped, well known. He would not advocate the expenditure of money when it was not required for some useful purpose. Yet, at the same time, he would not refuse a grant when it could be well applied. He would briefly call the attention of the House to a fact which, if it were not, should, at all events, be well known, namely, that England sanctioned, indeed granted, the submission of Poland to Russia. But he would ask, had England a right thus to barter the rights of a free nation? Poland was *de facto*, not merely *de jure*, free; she had achieved her own independence; and could that independence be swindled from her? It might be said, that Russia only took on herself the protection of Poland under certain conditions. Well, what of that? She did subscribe to stipulations, and it was the duty of England to see that those stipulations were fulfilled. If they were not, then England was bound to see they were; and if the Poles, who were the victims of that violation on the part of Russia, threw themselves on the protection of England, which had guaranteed to them full independence, consistently with the exercise of the fair monarchical rule of Russia, England was bound, by virtue of her own treaties, and on every principle of justice, to grant the remnants of that nation protection and support. England was bound to see the conditions accepted of by Russia fulfilled. But he had no distrust in the sympathetic feeling of England for the Poles. No matter what the Government might feel, he felt, that if the people of England had the power—he should rather say courage, for England did not want power—to demand the restoration of the Poles, they would not have been thus oppressed. It was truly incredible, that the small sum asked for should have been met in the way the prayer of the petition seemed to have been met, especially when England was bound to Poland by so many ties, and when she had made herself on so many occasions before, an asylum for the victims of despotism through Europe.

Mr. *Spring Rice* observed, that the Government had not been deficient in sympathy for the Poles. While he gave full credit to the hon. and gallant Gentleman, and to the noble Lord, for the zeal they exhibited in the cause of the Poles, he would take the liberty to caution the hon. member for Birmingham against being too ready to make a plunge into war without reference to the consequences. When it was fairly proved, that Government could interfere with propriety, assistance was afforded. He was not called upon to state the peculiar circumstances which would justify a vote of money; but he would suggest, that amongst the inconveniences that would arise from giving too freely the bounty of the Crown, it would tempt foreigners to be careless in their proceedings, because they would suppose they might find a shelter and settlement here. He wished it to be clearly understood, that when a case was made out for the bestowal of the bounty of the Crown—when it appeared that such a grant would not be liable to objection in point of principle, as in the instance of a grant being permanent—then his Majesty's Government would not shrink from administering the relief that they were now stigmatised for refusing.

The Petition was ordered to lie on the Table.

HOUSE OF LORDS,

Wednesday, *March* 26, 1834.

Minutes.] Bills. Received the Royal Assent by Commission:—Exchequer; Pensions, &c. Duties; Consolidated Fund; Sugar Duties; Transfer of Aids; Indemnity; Mutiny; Marine Mutiny; Juries (Ireland); North-American Postage; and Turnpike Road Acts' Continuance.

Petitions presented. By Viscount Beresford, from the Political Union of Charlotte Street, for Mercy to the Persons Convicted at Dorchester of taking Unlawful Oaths.—By the Marquess of Lansdown, from a Dissenting Congregation at Salisbury, for Relief to the Dissenters—By the Duke of Gordon, from several Places in Scotland, against any Alteration in the Corn Laws.

Claims of the Dissenters—Petition.] The *Lord Chancellor* presented a Petition, which he said was most numerously, and, in so far as he had been able to perceive, most respectably signed, from the inhabitants of the town of Edinburgh, and from those of Leith, upon the subject of the claims of the Dissenters. The petitioners described themselves as Dissenters from the Established Church of that part of the United Kingdom; and, after setting forth the difficulties under which they laboured, in consequence of the difference which the law made in some respects with regard to them, and the still greater difference which the law made with regard to those who were Dissenters from the Established Church in that part of the United Kingdom, they declared that they considered that the only remedy for these grievances was, to terminate by law all distinctions whatever between any classes of his Majesty's subjects, on account of their being members of, or dissenting from, the Establishment, and to put an end to taxation for the support of such Establishment, and to devote the property and the revenues at present in possession of the Established Church in both parts of the United Kingdom to other national purposes, but having, at the same time, a due regard to the interests of present incumbents. He felt himself highly honoured by the confidence which the petitioners had placed in him, in selecting him to present their Petition to their Lordships; but he should ill repay that confidence if he did not state that, though he agreed to, and supported, to a considerable extent, their Petition, there was one part of the statement contained in that Petition to which he could not subscribe, and the prayer of which did not meet with his concurrence. The part of the statement to which he alluded, was that which set forth, that great mischief arose from the Church Establishment, both in this country and in Scotland; and that such Establishment was upheld at an extreme expense, for the use chiefly of the wealthy classes of the community; and, moreover, that, in both parts of the United Kingdom, it was not supported by that wealthy class alone, but added considerably to the burthens of the people, "while it only comprehended among its adherents a mere minority, which was daily decreasing in numbers." He was not aware that any part of this statement was consistent with the fact. He believed, indeed, that parts of it were utterly inconsistent with the fact, and they who made this statement were misinformed when they were led to suppose that the adherents of the Established Church in England were a mere minority. He was informed, too, that they were equally incorrect in saying the same thing as applicable to the Church of Scotland. Having set forth these matters as the foundation of their prayer—a statement on which he entirely differed from them—they went on to call upon Parliament to abolish the connection between Church and State; to put an end, in fact, to the Church Establishment in one part and the other of the kingdom, and to apply the revenues of the Church to other purposes than those to which they were now applicable. He could not agree with them on this point. He considered that the proposition which began the statement of this Petition led to a directly opposite conclusion. The Petitioners objected to a civil establishment of religion, which, they said, violated consciences, was partial and unjust, was opposed to good morals and good government, and was injurious to Christianity itself; and that all persons had a right to hold opinions which they conscientiously and honestly entertained, and to belong to such church, whether an Established Church, or a sectarian Church, in the doctrines preached at which they could sincerely and conscientiously believe. Now, if the great body of the people of this country, or of Scotland, seriously believed, that a Church Establishment was the best mode of maintaining their opinions, those individuals, whether the minority or the majority, had an undeniable right to have a Church Establishment, and still more undeniably, if they were the majority; for he never yet had heard, that the majority had not a right to maintain any establishment they might think fit. It was a perfectly debatable question. While there was no illegality nor impropriety in the opinion held by the Petitioners, and while the language in which they addressed their Lordships' House was respectful and proper, their Petitions deserved attention; but he trusted, that he should be accused of no disrespect to the Petitioners, in observing that in these parts of the statement, and of the prayer of the Petition, his opinion did not agree with theirs. In one part of the Petition he did concur. The Petitioners stated, that the Dissenters of England were subject, in consequence of the law, to several grievances even still more than those of which the Petitioners themselves complained; that these grievances were unjust in themselves, and hurtful to the State, as enforced against a number of enlightened and powerful men, who had performed eminent services in the cause of religious, moral, and political freedom. There was nothing more just or proper than this well-earned praise thus bestowed upon the Dissenters; and such had been the conduct of the Dissenters on all these points, that he was prepared to say that, whatever praises might be bestowed upon them for their conduct, it was impossible they should be exaggerated. He, therefore, wholly coincided with the Petitioners in saying, that some of the matters of which the Dissenters complained were evils; and in that part of the Petition which prayed, that the Legislature would take such steps as were necessary to put an end to all distinctions in respect of civil and constitutional privileges, as were grounded on differences in religious matters, he most heartily concurred; and he trusted that Ministers would be able to consummate that which they had begun. He might add, that, as far as the revenues of the Church were concerned, so far as those revenues depended upon taxation, he hoped that the measure which the Government had introduced into the other House of Parliament, would be such that it would not be necessary to go further; and, as far as the bulk of the Church revenues was concerned (he meant tithes), he hoped that the measure of which his noble Friend, the Chancellor of the Exchequer, had given notice, and which, but for his noble Friend's indisposition, would have been introduced into the other House two days ago, would prove fully satisfactory.

CRIMINAL COURTS.] The *Lord Chancellor* begged to present their Lordships with a Bill, which, if he did not greatly deceive himself, would afford a remedy to several inconveniences in the administration of criminal justice in this great metropolis, and would place on a more satisfactory footing, for the future, that most important part of the administration of the laws of the land. Differing from others, the county of Middlesex, and the county of the city of London, were subject partly to magistrates assembled at sessions, under their general commission of the peace, as in other counties, and partly to the jurisdiction of the magistrates under commissions of Oyer and Terminer, issued from time to time, under which they sat with so much regularity, that though the commissions were in the eyes of the law occasional commissions, they were, in fact, commissions for the regular holding of courts. In another respect, there was a difference between the county of Middlesex and other counties, for the jurisdiction established in the Old Bailey had cognizance not only over offences committed in the county of Middlesex, but over those committed in the city of London. The extension of jurisdiction which this Bill contemplated would, he thought, be productive of many advantages to good order and morals, by creating a more frequent administration of the law at the Old Bailey. It would, among other things, prevent the gaols from being over-crowded with prisoners; but, in addition to this, the speed with which the punishment followed the offence, would be of advantage incalculable in the repression of crime. There had already been an increase in the number of periods at which the Old Bailey Sessions had been held; but, nevertheless, the frequency of the Sessions had not increased as the demand for the labour of the Court required, and it was therefore one part of the measure which he now proposed, that this frequency of the Sessions should be increased, and that there should be twelve Sessions at the Old Bailey instead of eight, as at present. It was a peculiarity which distinguished this jurisdiction from all others of a similar sort, that the Grand Jury who found the bills on which criminals were to be tried at the Old Bailey, for offences committed within the county of Middlesex, was a Grand Jury assembled at Clerkenwell, where the magistrates of the county sat under a commission of Oyer and Terminer, as well as under their general commission of the peace, as he had before said. This would henceforth be unnecessary. The increase of criminal business at these Sessions had been most considerable, and had been great in proportion to the increase of their other business. The change which had happily taken place in the relaxation of the severity of our criminal law had also increased the number of cases that might come before the magistrates at Clerkenwell. He should not utter one word in disparagement of the worthy individuals who composed that bench, and indeed it was impossible not to applaud the industry, zeal, assiduity, and integrity with which they discharged their duties. Nevertheless, he was not one of those who was satisfied in all particulars to see so vast a mass of the criminal business of the county transacted by magistrates appointed as magistrates were known to be, the more especially when they were not assisted in the discharge of their duties by a professional man. It was true, that, at this moment, the magistrates of Middlesex had the assistance of a learned gentleman who acted as their Chairman; but as that gentleman received no salary, it was quite impossible to expect that that assistance should long continue to be given. It was of importance, therefore, that some well-considered arrangement should be made. It was of the utmost importance, that the administration of criminal justice should be uniform. It was with a view to such an object, that it had frequently been said, that there should be a centre from which, and a point to which, all that was connected with the administration of justice should issue and be referred. Without alluding to any circumstance of an invidious nature, or without alluding to any unpleasant collisions which might have taken place, he would state at once, that after much consideration, he had come to this conclusion—that the more the business was concentrated under the Judges of the Old Bailey, so much the better would it be for the subject, for the King's peace, and for the administration of the criminal law of the country. It was with that view, and acting under these principles, and this conviction, that he introduced this Bill. By extending the jurisdiction of the Old Bailey, the despatch of business would be insured, and a better tribunal would be provided for the trial of those numerous, and frequently important, cases which now went to the sessions. The measure which he was about to propose had these specific objects in view. At the Old Bailey, the Lord Mayor and Magistrates of the city of London presided. They had the assistance of the Recorder and Common-Sergeant — gentlemen of great legal ability, and who generally had had long professional experience as advocates. It was, he was sure, impossible for him to speak in terms too high of their legal knowledge. Not only were those sessions holden before those valuable magistrates, assisted by the learned Recorder and the Common-Sergeant, (and, of late years, by the Deputy-Recorder), but — what was still more important, and which distinguished the Old Bailey sessions from all others—

they received the assistance of the Judges of the Land, including the Chief Justice of the Court of King's Bench. In addition to the advantages which those sittings derived from the trying of cases before those learned persons, the highest legal authorities in the kingdom, this also was to be taken into the account—that in consequence of his vicinity to the rest of the Judges, the learned individual who presided was enabled, whenever the least point of difficulty occurred, to have access to, and to procure the opinion of, his brother Judges. These were the circumstances which had occasioned the country to place such confidence in the way in which justice was administered at the Old Bailey. The Bill which he now proposed to their Lordships would, in the first place, do away entirely with that extraordinary anomaly, the finding bills at one place, which were to be tried at a considerable distance—a proceeding in consequence of which judges, jurors, prosecutors, counsel, and witnesses, were often kept waiting for bills. It was next proposed, (and he would only now touch briefly on a few of the principal points)—it was next proposed to extend the jurisdiction of the Old Bailey considerably beyond its present limits, and to increase the frequency of the sessions. At present the sessions were held eight times in the year, and the jurisdiction extended over the whole county; but it did not extend to all the places which might be called a part of the metropolis, and where the population was exceedingly dense. He was in favour of a great extension of the metropolitan jurisdiction, because he could imagine no conceivable reason for confining it to its present restricted limits. He knew not why it should be restricted to one bank of the river. He would extend the Old Bailey jurisdiction to the great borough of Southwark, and all the districts in its neighbourhood, containing a population of between 90,000 and 100,000 souls. He would also include Lambeth, Greenwich, and Woolwich, with several other large parishes, comprehending, he believed, as many as a dozen places. These places he should propose to bring within the jurisdiction of the Old Bailey Sessions; Southwark and Lambeth, though not on the same bank of the river on which the metropolis properly so called was seated, might yet be fairly said to form a part of it. As the system now existed, an offence committed in Middlesex, in consequence of the Old Bailey sessions being held eight times in the year, was tried almost immediately; but if the same offence, or an offence of a more atrocious character, were perpetrated at a few yards distance on the other bank of the river, it could not be tried for five or six months, when the Surrey assizes were held. In the same way, if an offence were committed at Greenwich, a few furlongs down the river, the criminal must be tried at Maidstone. He would, to obviate these evils and inconveniences, take the whole extent he had mentioned as one great city, and place it under the same Jurisdiction. Within that limit, whether an offence were committed on one side of the river or the other, whether it was perpetrated a little higher up or a little lower down, the jurisdiction of the Old Bailey should extend, and that court have full power to try the case. He should propose, that all the places which he had named should be amenable to this jurisdiction, because, properly speaking, they might be said to belong to the metropolis. Thus the jurisdiction of the Old Bailey would extend all over Middlesex, a part of Surrey and Kent, and a small portion of Essex. He proposed to add four to the present eight annual sessions; consequently, there would be a sitting for the administration of criminal justice every month in the year. An arrangement was also made in the Bill for transferring from the Quarter Sessions, held by the Magistrates of Middlesex, to the Old Bailey Sessions, of offences beyond a certain extent of criminality. It was provided that the jurisdiction of the Quarter Sessions for the county of Middlesex should be confined to misdemeanours and to other offences which did not render the offenders liable to punishment of more than seven years' transportation. There would be a clause, however, enabling persons arraigned before the Quarter Sessions of the county of Middlesex, to remove their cases by *certiorari* to the Court at the Old Bailey. He was quite aware, indeed it would immediately strike their Lordships, that the effect of this arrangement might be, to impose new and additional labour on the learned Judges who presided at the Old Bailey; and it was necessary he should state in what way he proposed to meet that objection; and in the first place, he must state, that no one who knew those learned and excellent individuals as he did, both professionally and personally, could have the slightest vestige of doubt on his mind, that as far as their strength and time would at all permit, regard being had to their present avocations, they would be the last individuals in the world to object to what they would not call, but what he for them would call, the incumbrance of additional business. They were ready to devote every moment of their time, which needful relaxation did not absolutely demand, to the performance of their high and most important functions. But it did not follow, because those learned individuals were willing to undertake that, their Lordships should be too ready to impose on them an additional burthen, as to the extent of their business, without an absolute necessity, or without awarding them a reasonable compensation—he meant compensation in the way of a diminution of their other labours. Now, their Lordships were aware, that up to 1828 and 1829, the number of the Judges was only twelve. The measures of those years, however, ripening into an Act of Parliament, which was passed in the last year of his late Majesty, led to an increase in their number of no small amount—to one-fourth, in fact; so that, instead of twelve, they became fifteen. One of the principal motives of this increase, which justified and rendered it indeed absolutely necessary, was the fact, that at that time the Welch judicature being abolished, two new circuits were created, and new Judges, of course, were required. But that only occasioned the necessity of two Judges going circuit twice, about six weeks during the whole year; and the three new Judges were ready at all times not only to go circuits, but to perform all other judicial duties. He did not mean to deny, that, in the alterations which of recent years had taken place in law proceedings, there had been an augmented mass of civil business; yet, beyond all doubt the number of Judges had been increased in a very considerable proportion higher than the judicial labour to be performed. Now, it required but little reference to arithmetic to show, that as the sessions were only eight at the Old Bailey, the number of Judges being twelve, the same proportion would still hold; the Judges being fifteen, and the sessions ten. But then it was now proposed, instead of ten, to make the sessions twelve in the course of the year. It would be in the recollection of their Lordships, that some seven years ago, a winter circuit had been established, having been deemed necessary in consequence of the vicinity to the metropolis of the home counties. That, however, had given rise to very great inconvenience, and had been much complained of, not only by the profession, but also by the suitors and witnesses who had been mainly concerned. In the home, it was obviously more necessary that there should be three circuits in the year, than in any of the other counties of England; and the reason for the winter circuit was, to dispose of the business connected more or less with the city of London upon the Surrey and Kent side of the river; and, therefore, if from that circuit all those districts were withdrawn which occasioned its necessity, there would not remain the slightest reason for, indeed the ground would fail entirely on which the third winter circuit was established. He looked forward, then, as the immediate consequence of this measure, to the entire abolition of that winter circuit, which had led to inconvenience, and which had deprived the suitors of the advantage of those members of the bar who usually attended the summer and spring assizes. Putting those circumstances together, taking also into account that three Judges at the Old Bailey had long been felt wholly unnecessary, two being quite sufficient to transact the business, with the assistance of the learned Recorder and Common-Sergeant,—placing those matters one against another, the proposed arrangement would not give the Judges an atom more business than they now had, but certainly no more than the amount they had to transact a few years back, when their numbers were twelve instead of fifteen. He had thought it necessary to state those few circumstances in order to account for the apparent augmentation,—for it was only apparent,—which under the new system would be made in the labours of the Judges, although, as he before stated, they would be the last individuals to entertain the shadow of a shade of dissatisfaction at any addition or increase being made to their public judicial functions. Having stated thus much, he must be allowed to say, that, in his view, there was nothing more important, nothing which would tend more to the welfare and good government of the metropolis, nothing which would more immediately bear on the interests of the King's peace, and the good administration of the law all over the country, than some such change as that now proposed; proceeding on some such principle, and pointing to those grand objects of paramount importance—the uniformity, the concentration, the regularity of the jurisdiction to be established;—its extension, so as to bring within its scope all the parts of this great metropolis; and the greater frequency of its administration, so as to effect the greatest possible despatch in that most essential branch of our judicature, by making the trial and punishment of offences follow as speedily as possible after their commission. Such were the objects which he had in view, and which he thought were provided for by the Bill which he should have the honour of submitting to their Lordships. When setting forth the districts to which the proposed jurisdiction was to be extended, he ought to have mentioned the amount of population which would be comprised; and he was sure, that by stating the great increase which of late years had taken place in that respect, he should show still more clearly the necessity which existed for the change. The population of London, Middlesex, Southwark, Lambeth, and the Kentish towns proposed to be included in the extended jurisdiction, without taking into consideration those parts of Essex which would also be comprised in the change, amounted at present to between 1,600,000 and 1,700,000, while ten years ago it amounted to no more than 1,300,000; showing an increase of from 300,000 to 400,000. The judicature thus enlarged would extend over a population of from 1,600,000, to 1,700,000; which was equal to many great and even powerful kingdoms, and concentrating in a narrow space one of the densest populations in Europe. He should now move, that the Bill be read a first time; and although he had already communicated with many learned individuals immediately concerned on the subject, in order that time might be given for additional communication, he should then move that it be printed and stand over for further consideration.

The Bill read a first time.

HOUSE OF COMMONS,

Wednesday, March 26, 1834.

MINUTES.] Bills. Read a second time:—High Ways; Hemp and Flax Bounties.—Read a third time:—Exchequer Receipt.

Petitions presented. By Mr. HESKETH FLEETWOOD, from the Hand-Loom Weavers of North Meols, for Relief.—By Colonel EVANS, from St. Clement Danes, against the House and Window Taxes; and from the Vestrymen of St. Martin's-in-the-Fields, for Admittance into their own Vestry Room.—By Mr. F. SHAW, from Dublin, against the Sale of Spirituous Liquors in Ireland.—By Mr. WALKER, from Wexford, &c., for the Repeal of the Union.—By Mr. PEASE, from Darlington, against the General Register Bill.—By Mr. GROTE, from the City of London, against the Anatomy of Criminals Bill; from West-Smithfield, against the Islington Market Bill.—By an HON. MEMBER, from Dumfries, for Remuneration to Captain Ross.—By Mr. O'CONNELL, from Newcastle-upon-Tyne, against any division of the Turkish Empire.—By Mr. O'CONNELL and Mr. EDWARD RUTHVEN, from several Places,—for the Abolition of Tithes in Ireland,—and for the Repeal of the Union.—By Mr. E. J. STANLEY, from Bowdon,—for the Better Observance of the Lord's Day.—By Sir OSWALD MOSLEY, from Totmonslow, against paying Toll for the Carriage of Lyme. From Burton-upon-Trent, against any Measures likely to lessen the Efficiency of the Established Church.—By Mr. G. W. WOOD, from Chorobent, for Relief to the Hand-Loom Weavers.—By Mr. LABOUCHERE, from Taunton, against the Employment of Children in cleaning Chimneys.—By Mr. TANCRED, from the Members of the College of Surgeons in Banbury, for an Inquiry into the State of the Profession.—By Mr. T. SMITH, from Great Missenden, for the Amendment of the Poor Laws.—By Lord G. BENTINCK, Colonel EVANS, and Messrs. TANCRED, J. SMITH, V. SMITH, HUTT, ORD, H. FLEETWOOD, CAYLEY, E. J. STANLEY, GROTE, S. LEFEVRE, H. L BULWER, and TOLLEMACHE, from a Number of Dissenting Congregations,—for Relief to the Dissenters.

DISSENTERS—CAMBRIDGE PETITION—ADJOURNED DEBATE.] The debate upon this subject was resumed.

Colonel *Williams* said, that as this petition was, in fact, a consequence of a communication or correspondence he had had with the University of Cambridge, he might be expected to take some part in the present discussion. As, however, he had a motion on this same subject, and as it had been thought advisable that this motion should be postponed till the 17th of April, and as the hon. member for Lancashire had allowed his (Colonel Williams's) motion to take precedence on that day, he would reserve any observations he had to make on the subject till he brought forward his motion.

Sir *Robert Inglis* said :[*] My right hon. friend the Secretary of State for the Colonies (Mr. Stanley), who addressed the House at the close of the discussion yesterday, commenced his speech by an apology, first, for speaking on a question arising upon a petition presented from Cambridge, inasmuch as he was an Oxford man; and, secondly, for speaking at all upon any petition inasmuch as he had often deprecated the practice as inconvenient, if not irregular. If such apology were necessary from my right hon. friend, it is doubly necessary, on both grounds, from me; since I am still more nearly connected with the sister University, from which this petition does not proceed; and since, if any individual had a right to speak on any petition, my right hon. friend might claim it; and, certainly, on much better grounds than I can urge for myself. I am, at the same time, willing to hope, that, as he asked the attention of the House, on the ground, that the subject was one of a national and imperial character, I may perhaps be indulged in the same manner with such attention, particularly when I can refer to the deep interest which those who have sent me here, must, more than any others, take in the question.

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[*] Printed from a corrected Edition.

I still feel, indeed, as I have always felt, the inconvenience of discussing any question of general policy on the mere presentation of a petition. It can lead to no practical result, so far at least as legislation is concerned; and, after protracted and often irritating debates, the single conclusion to which the House can come, is, that the petition shall lie on the Table. This is certainly verifying the *fumum ex fulgore*. Whatever talent may be exhibited in rencontres of this kind, there is, at any rate, the evil, so far as the people are concerned, that our time which, in this House, at least, is not so much our own as theirs, is frittered away in mere debate, ending where we began, without advancing us a step in real business; and, at the utmost, producing only such a technical conclusion as that which I have quoted, utterly disproportionate to the *parturiunt montes* labour which has led to it.

There is, however, one incidental result arising from such discussions, when no Bill or no Resolution is before us, a result which is very frequent, and very much to be regretted. In the heat of debate, declarations are made by an individual (as, in the present instance, by a leading member of the Government), which mean much, when taken in connexion with the general tone assumed by others on the same side; but which mean little when examined strictly according to the limitations imposed by the individual himself, or perhaps according to the words of the petition which he supported; and a false impression is thus conveyed, which may raise hopes on the one side, or alarms on the other, alike without foundation.

My right hon. friend, indeed, has said, that there is another and a valuable object to be obtained in this particular debate, namely, that hon. Members may learn to discuss the question, and become thereby prepared (he stated, for his own part, that he was not as yet prepared) to decide it, when it should be more formally and technically brought forward, by the Motion of the hon. and gallant member for Ashton (Colonel Williams). Speeches were thus to be like straws thrown up to show which way the wind may blow.

Whatever may be the evil, however, or the benefit of the practice, the House, at any rate, has now sanctioned it: and has consented to use (for two days hitherto, and probably for the entire of this day) the presentation of a petition as a peg on which speeches might be hung: and, therefore, I will proceed to follow my right hon. friend.

It is true, that no one can tell exactly either what is asked by the Dissenters as a body, if such a body there be, or what the Ministers are prepared to concede to them. If I were to confine myself to what, in legal language, is called the four corners of this petition, I feel certain that I should neither state the case of the Dissenters, nor do justice to those whose interests, on the other side, I am bound more especially to uphold. When I refer to the interests of the University of Oxford, I am aware that they have not been directly attacked in the present discussion; but I am equally aware, that they must follow those of the sister University. Yet here, let me add, that neither has any "interest" distinct from that of the country; and that in maintaining our existing rights we are maintaining the best heritage of the nation.

Taking, then, largely, as the ground of this discussion, the claims of the Dissenters as brought forward by themselves in the other petitions which we have received (because, again I say, that it is paltering with the question to take the present petition as the standard), I find in many of them that they demand, as a right, admission to the "National Establishments of Education," as they describe the Universities; some of them including in the term the public school foundations of England. Now, in the first place, I desire to know, in what sense the word "National" is used, as applied to the Universities of England? Is it meant in the sense of the National Debt? Did the nation found them? did the nation endow them? what has the nation done for them, which can entitle them to the honour (to the punishment, if it involve the interference of Parliament in their discipline), of being described as "national institutions?" Is it really meant, that the Universities were endowed by the nation at any time? [*Cries of* "*Yes,*" *from Mr. O'Connell, and other Members.*] I am not to be tempted, Sir, by this cheer from the line of argument which I have prescribed to myself: since I feel that it will be more respectful to the House, by saving their time, if I continue the course on which I have entered, and reserve the answer which that cheer provokes till I come to a later period of the consideration of the question. Is it meant, I repeat, that the Universities are endowed by the nation, and are, therefore, at the disposal of the nation, because the King gives 40*l.* per annum to each of five Professors in the University of Oxford who are called his Professors, and the same to each of five Professors in Cambridge?

Let me here remark, that some other payments, made to other Professors, and appearing in the Estimates before this House, are not donations, but payments in lieu of land belonging to the University of Oxford, and dating from the time of Henry 8th, and in that reign exchanged for payments out of the Exchequer as more convenient to both parties.* Besides this, there are some other modern Professorships, and Readerships; but all the salaries came originally from the Civil List, and were never till lately made a part of the Estimates before this House.

With respect to the Regius Professorships, endowed each with 40*l.* per annum, to which I have referred, it appears to me, that it is more honour to the King so to reward learned men than it is emolument to those learned men to receive such a sum. Of this I am quite sure, taking the name of Lucas as an illustration, that the honour of having a Professorship called after him, a Professorship once filled by Newton, is a greater distinction to Henry Lucas, the founder of the Lucasian Professorship, than any distinction to which, by any other means, he ever attained: in fact, his name, except as so connected, is unknown in history or in science. Is it meant, then, that, on this ground, the ground of 40*l.* being given to each of five Professors in the University of Oxford, or of any other stipend, which, at any time, the Kings of England have, out of their Civil List, granted to other Professors not bearing their name, that University becomes a national institution, to which, as of right, any subject of this realm may demand to be admitted? If so, I am quite sure, though I speak without any communication with the University, and only from my general knowledge of the feelings there prevalent, that the University would say at once,—"Withdraw the paltry pittance, and leave us to ourselves." Pittance, do I say? they would exclaim, "Withdraw twenty times the amount of these and of all the other stipends in question, rather than suffer our principles and our discipline to be interfered with by this House."

I called it a pittance, Sir, because it is not one-half of what the King grants to the Scotch Universities; a fact not generally remembered. To St. Andrew's, according to the returns on the Table of the House, the hereditary revenue of Scotland pays the sum of 1,010*l.*; to Aberdeen, 1,397*l.*; to Glasgow, 560*l.*; to Edinburgh, 1,819*l.* Even to the Academy at Belfast, a non-

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* So far as the University of Oxford is concerned, I know that this statement is correct; and I believe it to be so, in reference to the University of Cambridge.

The following payments are made to the University of Oxford:

	£.	s.	d.
For a Preacher	7	19	6
For a Professor of Divinity ..	11	6	2
For a Professor of Law	35	3	0
For a Professor of Physic	36	1	0
For a Professor of Modern History	371	8	0
For a Professor of Botany	182	18	0

The first payment, for instance, was made by the Abbot of Westminster, and the Prior and Convent of the same, to the Chancellor, Masters, and Scholars of the University of Oxford, under indenture, 20 Henry 7th, as a real charge for ever. It was originally 10*l.* The fees at the Government Office have reduced it to its actual amount. At the dissolution of the Monasteries, the possessions of the Abbey of Westminster were taken by Henry 8th into his own hands; but this debt he directed the Court of Augmentations to pay for ever; and it became for three centuries a payment out of the revenues of the Crown. Since the late changes in the arrangements of the Civil List (all the consequences of which few foresaw at the time), the House of Commons has been tempted to interfere not only between the Sovereign and his gifts, but between the country and its debts; and the Treasury thought fit to require an account of the exact nature of the original grants, the services rendered for the same, and the remuneration, if any, which the parties receive for those services from other sources; and how far it might be necessary that such payments should now be continued; a convenient precedent for the use of any gentlemen who may have any bonds outstanding against them. I may add, that the payment was suspended during those years (1640—1660) and never but at that period, to which so many other circumstances since 1830 recall our attention.

conforming institution, seven times the sum granted to the Regius Professors of the University of Oxford, and considerably more than the whole sum granted, in any shape, to us, is paid, under the annual Estimate, adopted by this House. The sum of 1,500*l.* occurs every year in the Estimates as granted to this Academy. If, indeed, there be any institution in the three kingdoms which is pre-eminently entitled to the description of "National;" if there be any one, which has been called into existence by Parliament, which has been built and founded by the nation—which is supported by annual grants from this House—it is, I grieve to say it, the Roman Catholic Establishment at Maynooth. It is to that institution that the sum of 8,928*l.*, the largest in this class of the Estimates, is annually voted by this House; and to this more than to any other, does the description of a "National Establishment" belong, if the contributions of national money constitute the title.

Some, indeed, of the Dissenters, modestly, in some of their petitions, limit their claims; and, while they require admittance into the Universities generally, do not insist upon a right to enter every particular college. I take a specimen from a petition lately presented from the Protestant Dissenters in Westgate Chapel, at Bradford, in Yorkshire. They say—'Your 'petitioners deem themselves seriously in'jured, in being, as Dissenters, excluded 'from the benefits, the honours, and the 'emoluments of the two great Univer'sities; the whole of which (with the ex'ception, perhaps, of one or two colleges 'at each) they regard as strictly national 'property; and as, therefore, unjustly 'closed against a large proportion of his 'Majesty's loyal subjects.' To the same effect the hon. member for Leeds (Mr. Baines) stated yesterday, —"the Dis'senters wish to participate in the general 'institutions of the country to their full 'extent. If there be any particular col'lege founded for any particular class, 'they do not wish to enter it.'* I am bound to add, indeed, that both he, and the hon. member for Boston (Mr. Wilks), on the first day of this Debate, cheered my right hon. friend, the Secretary to the Treasury (Mr. Spring Rice), when he stated, that the Dissenters would not wish to have the emoluments now connected with the Universities; but this renunciation renders it only the more important, that we should ascertain the meaning of the last hon. Member (Mr. Wilks), when he stated, that "the Dissenters would not conceal, under surreptitious pretences, what they are entitled to demand."

From the whole, I collect, then, that the Dissenters claim, as an absolute right, to be admitted to the Universities generally, and to every college in Oxford and in Cambridge, except one or two in each; all the rest, with such exception, being "national," and at the disposal of the nation. What the précise ground of the exception may be, is no where stated distinctly; though the hon. member for Leeds (Mr. Baines) seems to imply, that the reason is, that some one college may have been founded specifically, "for a particular class not being Dissenters;" and, therefore, that he and other Dissenters would not wish to intrude upon it. I ask, then, in the first place, which are these colleges which the Dissenters themselves admit not to be national?—from which they are willing to be excluded?—which they are prepared to leave to our "monopoly?"

Here, let me observe, that, as I read in a very able article in the *Standard* of last night, there is no monopoly of education at present enjoyed by either of the Universities, or by any college in either: the only monopoly which they exercise is the monopoly of character. Let the dissenting institutions of Hoxton, and Mill Hill, and Homerton, acquire a character as high as that which, by the accumulated labours and successes of centuries has been acquired by the Universities of England, and then the degrees which the Dissenters shall bestow will be equipollent with those bestowed by Oxford and by Cambridge.

But I will never agree to their circulating their own coin under the impress of our Universities. When it shall have been rendered of the same value, then, but not till then, it may pass current. Nothing prevents the dissenting academies from bestowing any titular distinctions which they please, always excepting those which the King by his charter, or the Legislature by its Acts, have had the power of bestowing, and have already bestowed, on others. The Dissenters have only to create degrees, with any marks which they may prefer, the current value of which, in the country, shall be equal to the M.A. and the B.A. of the two Universities; and then all which they desire to obtain will be already theirs.

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* All the endowments of the Universities are connected with the doctrines of the Church; almost all, with her offices. There are perhaps not thirty in Oxford can be held by lay members of the Church; of the hundred and one studentships of Christ Church, four only remain open to those not intended for Holy Orders. Every college being founded and appropriated "for one particular class," in Mr. Baines's words (and that class the Church) it is not easy to see what advantage the dissenters, according to the admission here made on their behalf by Mr. Baines, can gain by their present attempts.

There is hardly any more popular error on subjects of this kind, than that the Universities are monastic bodies, founded in Roman Catholic times, by persons holding the same religious opinions as those of the hon. and learned member for Dublin (Mr. O'Connell.) The cheer of that hon. Member, when I asked whether the Universities were, at any time, founded or endowed by the nation, I understood, at the time (though I would not be provoked to answer it at the time) to mean, that, whether they were or were not founded by the ancestors of the Dissenters as such, they were, at any rate, founded and endowed by those who were not members of the present Church by law established; but were, in fact, founded by members of the Church of Rome; and that, as the nation had transferred them to the Established Church three centuries ago, the nation might restore them to the Roman Catholics now, or might open them to all creeds.

Let us consider what are the facts. It is very true, that of the eighteen colleges of the University of Oxford, twelve were established before the Reformation, and only six since; but, of the 5,290 names in the books of the colleges at Oxford in January 1834, there were 3,043 belonging to colleges founded before the Reformation; and 2,247 to colleges founded after the Reformation. Here the proportion gets nearer. I will next take the fellowships: and here I find, that, of 317 fellowships existing at this day in the twelve colleges which were founded before the Reformation, 287 were founded before that date, and thirty have been added since: but, of 231 fellowships or studentships founded after the Reformation, the whole, of course, are connected with Protestantism. The proportion thus gets nearer, namely, 287 before the Reformation, and 261 since the Reformation. If to these we add the proportion of studentships and exhibitions, respectively instituted before, and instituted since, the Reformation the aggregate since the Reformation exceeds the aggregate before it. Even of those which were founded before the Reformation not one of them was founded by individuals who held the particular doctrines which now govern the Church of Rome; not one by those who had subscribed the creed of the Council of Trent. They cannot, therefore, be claimed by the Roman Catholics of the present day as exclusively their own. At any rate, they did not hold that precise creed which is the standard of the Church of Rome at the present day.

To return to the amount and proportion of our endowments. Having examined the proportion of Fellowships as connected, before and after the Reformation, with particular colleges, I will now look at the appointments in the Universities as such, in their general and corporate character. I refer to the Professorships. All, with the single exception of the Lady Margaret's Professor, have been founded by Protestants in Protestant times;—so much for the right of the Church of Rome to claim admission into the Universities on the ground that the Professorships were founded by their ancestors: and, on such a ground, the right of the Dissenters is worth precisely so much and no more.

Now, as to the proportion of endowments belonging to colleges in the two Universities as derived to them from Roman Catholic or from Protestant benefactors. From inquiries which I have made, I find, that, at Cambridge, which I select for my argument, because the petition before us proceeds from Cambridge, not one-fourth of the property now belonging to that University, belongs to it in right of any Roman Catholic benefaction. I will take as specimens three of the old colleges. Of the possessions of St. John's College, nine-tenths arise from Protestants; of those of Clare Hall, two-thirds; (here I am speaking from the highest authority) of those of Magdalen College, nineteen-twentieths. Now, as from this, it will appear, that even the Roman Catholics cannot claim the present endowments of the Universities on the ground that they were bestowed by their ancestors, Roman Catholics, as such, it is still more clear, that no such claim can be urged by any other non-members of the Established Church, on the ground that such endowments were bestowed by their ancestors as Dissenters.

The hon. and learned member for Dublin, as well as other hon. Members, have frequently contended (his cheer implied it this day), that, as the Legislature has interfered once, the Legislature has a right to interfere again. But I put it to the House, on the ground of common honour and common honesty, whether that would be a principle adopted by any member in private life? Whether having made a gift to any particular individual, he would reclaim it on any ground, but, above all, on the ground of its having been his own gift? Let hon. Members say, that the gift has been abused; and then I can understand the principle on which the Legislature might be called upon to review its former decision, and to revoke its own grant. I deny, indeed, both facts; either that the endowments were so granted; or, if granted, have been abused. I admit the statement, for the sake of argument only, that the Legislature did transfer the present endowments of the Universities to those bodies; but, admitting the fact, I contend that, unless the two Universities shall be proved (what is not even alleged) to have abused the possession, the Legislature has no right, in honour and in equity, to interfere and withdraw its own gift.

Nothing in history can be more certain than that the Universities never were founded with any view to the education of Dissenters; to the education, in short, of any one, at any time, differing from the Church established at that time. In no instance whatever,—taking the days of the Roman Catholics—taking the Reformation,—taking the time of the great Rebellion,—have the Universities been unconnected with the Established Religion of the country, whatever that form of religion may have been.

In answer to the observations of my right hon. friend, the Secretary to the Treasury (Mr. Spring Rice), when he introduced this subject in the House on the first day of the Debate, let me tell him, that the year 1616, or any other date in the reign of James 1st, was not the first time when the imposition of subscription was required on the part of those admitted to the Universities. With respect to Oxford, I know that subscription to the Articles has been required on matriculation there, since 1581 at least. The Oath of Supremacy was taken earlier. I believe, that at both Universities, at that time, there were catechetical examinations connected with the doctrine and discipline of the Church of England. In law and in practice, the Universities were, at that time, directly connected with the Establishment.

I am justified, therefore, in stating, that as at the beginning no form was necessary to exclude persons as being Dissenters; for, as there were no Dissenters in the kingdom, there was no necessity for providing against their admission into the Universities—so, when Dissenters arose in the land (after that the Reformation had granted liberty of conscience, though the State did not for many subsequent generations grant toleration), the Universities became then the guardians of the Established Religion of the country; and no one was permitted to share the benefits of these institutions, who did not, by subscription or by conduct, give some security that he was a member of that Church to the service of which those Universities were consecrated.

The House will perhaps allow me to advert to the mode in which these articles are subscribed at Oxford, by young men on first entering the University. On this subject my right hon. friend the Secretary of State for the Colonies (Mr. Stanley) spoke in a manner which, in his absence, I will not characterize, but which from him I heard with deep regret. Whatever might have been the case a generation back, much attention is at this time paid to religious instruction in the greater part of schools from which young men are sent to Oxford. I have been informed, since the debate of yesterday, by one of the tutors in that University, whose misfortune it was to hear my right hon. friend on that occasion, that he has himself attended 400 young men to be matriculated, and has himself examined every one of them on the subject of the articles; and that nineteen out of every twenty have read them with their tutors or masters at schools before they present themselves for matriculation; and have a more competent knowledge of the general subject of religion now on entering the

University than was attained by the majority of young men after residence in the University a few years ago. Let the House always recollect, that no acquirements in classics, no proficiency in mathematics, will qualify any young man to take any degree at Oxford, unless he shall first pass an examination in the elements of theology, not merely strict, but, in most cases, severe.

The other subject, to which my right hon. friend referred in the same tone which I have already had occasion to deprecate, was the attendance at the chapel prayers at the respective colleges. Whether such habits and scenes, as those which he described, prevailed formerly, it is not necessary now to examine. I believe, that I can state, with respect to the most offensive point in his description —(namely, the attendance on chapel prayers from a wine party, and the return to it), it is nearly, if not quite impossible in Oxford, from the change of hours at which the chapel prayers are held.

I return now, Sir, to the particular objects which the petitioners from Cambridge submit to the House. It is very well to make this petition the vehicle of a general discussion, and of bringing forward all the claims of all the Dissenters; but how very differently do the petitioners state their own objects! Their very first prayer is limited by this comprehensive reserve—namely, that the door of the University may be opened "as widely" (but only so) "as may be compatible with the Christian principles of its foundation." So much for admission to the University itself: and when they come to consider the admission of Dissenters into particular colleges in the University, their reserve is still more exclusive: they say, "Lastly your petitioners disclaim all intention of hereby interfering, directly or indirectly, with the private statutes and regulations of individual colleges, founded as these colleges are on specific benefactions, and governed by peculiar laws, of which the respective heads and fellows are the legal and natural guardians." I ask, will the concession of a prayer so limited and so guarded, satisfy any one? Certainly, it will not satisfy the Dissenters, whatever the hon. member for Boston (Mr. Wilks) may say, if their own petitions are to be regarded; while yet it will have weakened the ground of resistance taken by those who defend the existing rights of the establishment. However guarded and limited, as I have observed, is the particular prayer of the individuals whose petition is before us, its concession will open the whole question of dissent. It is idle to think of stopping short in your concessions, when you once begin to concede on what you call principle: That principle must carry you forwards.

In talking of "Dissenters," I do not use the word in its present conventional sense as limited to sectaries professing Protestant Christianity different from the Church in this country; but in that broader sense, which the argument of the existing Dissenters requires; and I say, that if you admit Dissenters into the Universities, you admit them in that general character — namely, as non-members of the Established Church. A Dissenter is not merely a Baptist or an Independent: in common consistency, upon the principles now urged (however little it may be in the mind of the three denominations*) it must include the Roman Catholics as well as themselves; and every other form of worship; men of any creed, or of none.

Without any disrespect to the gentlemen who have signed this petition, I may be allowed to state, that they do not comprehend all the intelligence and all the principle of the University of Cambridge; and when they describe themselves as resident members of that University, the term, can scarcely in the utmost latitude of courtesy, be conceded to all of them; one at least never for many years having resided a week in Cambridge. I may add, that, admitting them all to be resident, they do not constitute one-third of the number actually resident; and, therefore, that, until one-third shall be greater than two-thirds, these sixty-three gentlemen can never be held to represent the University of Cambridge.

But these are minor points: whether all who have signed the petition, be resident or not, or what proportion the subscribers bear to the whole body, is, to my purpose, immaterial: my great objection to the concession now sought is, that it would be destructive of the objects and the ends of the Universities. I have already stated, that it cannot be claimed on the ground that there was any identity of principle between any of the founders or benefactors of any one of the colleges, on the one side, and any one of the present Dissenters on the other: that it cannot be claimed on the ground, that the nation ever granted to the Universities the whole, or even the largest proportion of their existing possessions; or ever reserved any right either of resuming such grant, or of annexing any subsequent conditions to its continuance: that it cannot be claimed on the general ground that the Universities were ever at any time open to men of all religions, or of none. For the sake of argument, again I will concede every one of these points: but if I admit that the founders held the doctrines of the Dissenters;—if I admit that the Universities were never, till within the last three centuries, consecrated to the service of religion;—I still say, that, for those three centuries, the Universities have, by law, held those possessions for the great end and object of maintaining, by means of education, the connexion between the people of the land, and its religion. I contend, that this is the grand, essential, and exclusive character and design of the Universities.

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* In the "Brief Statement of the case of Protestant Dissenters" which the Committee of Deputies of the three denominations of Dissenters have put forth, the grievance on this point is alleged to be "the exclusion of Protestant Dissenters from the "privileges of the Universities of Oxford and Cambridge."

My objection, then, to the concessions demanded is an objection founded upon this principle: the Universities are not mere localities of lectures; they are places of education. They are not, as they were described to be by my right hon. friend (Mr. Spring Rice) on the first day of this debate, and by the hon. member for Leeds (Mr. Baines) yesterday, like this House, places which ought to be open to all: and, therefore, the analogy by which they are compared to this House, and by which it has been attempted to defend the opening of the Universities to all classes of Dissenters, on the ground that this House has been equally opened, and that municipal corporations have been equally opened to Dissenters, cannot be sustained, inasmuch as the Universities are what this House is not, and never can be, a place of education. Retaining all my objections to the repeal of the Test Laws, I still see, that the case is much stronger against opening the Universities than it was against opening ordinary corporations. The Universities of England are not lecture-shops: but, as was stated in a late work, the Letter of Mr. Sewell on the admission of Dissenters to the Universities—one of the best pamphlets which I have ever read—a pamphlet which combines the most vigour and zeal with the most wisdom of any which I have lately seen—they are places of discipline and moral restraint. The foundation of our system of education is religion. We do not consider, that we have discharged our duties to the young men committed to us by giving them a lecture of an hour on chemistry, or a lecture of an hour on geology. The young men are not to go to us as they go to the Royal Institution, to the London Institution, or to the Liverpool Institution. We hold, that this is not education. We hold, that there is no education without religion: we hold that there is no religion without Christianity: we hold, that there is no Christianity without some definite form and standard. Religion is interwoven into the whole system of education in Oxford: *Dominus Illuminatio mea*, is the watchword of Oxford: it is the motto inscribed on the banner of the University. No eminence in science, no acquirements in classics, as I have already stated, will entitle any man to academical honours, unless he be first found competent to give satisfactory answers with regard to religious knowledge. On that subject, before he be examined on any other, his trial must be strict and accurate. I have reason to believe, that, in one college, the lectures connected with theology occupy nearly one-third of the time devoted to instruction: I have reason to know, that, in all it forms an essential part of instruction. Among the human means to which I look for the preservation of this country, there are none to which I turn with so much comfort and confidence as to the rising generation of English gentlemen, to the young men in our Universities. I believe, that, at no former period, could there be found an equal number combining equal talent, principle, and religion.

Other institutions may look to the communication of mere knowledge. The University of Oxford will never be so satisfied. The experience of 6,000 years has proved, that there is no necessary connexion between knowledge and moral discipline. Knowledge, by itself, I hold to be unmixed evil—I am not surprised at the cheer from some; but I am surprised and grieved at the cheer of dissent, which I distinguish from an honourable friend now opposite to me. Differing as we may differ on other points, I thought, that, at least on this subject, I should have had the advantage of his concurrence: that he would have believed with me, that knowledge without principle is not worth possessing; and that "the fear of the Lord," and that only, "is the beginning of wisdom." The attempt to educate men without religion has been tried in one place, and one place only: even there, however, there has been an indirect mode of obtaining the aid of religious principle. But is such a subject, the most important to man even in this life, the only one which is important in relation to the next, to be left to an indirect supply, or to chance?

My right hon. friend, the member for the University of Cambridge, (Mr. Goulburn) on Monday, showed most ably the impossibility of conducting any system of education in connexion with religion where Dissenters might claim, as a right, to be included on equal terms in such system. The recognised admission of Dissenters (here, again, as before, I use the word not in its present conventional sense, but as including all who differ from the Church of England, whether as being Jews, or Roman Catholics, or Baptists, or of any other worship, or of none at all) must, in the nature of things, prevent any education founded on religion or connected with public worship. At present, the Dissenter is educated in Cambridge with a submission to all the requirements of the place; and no authority knows, of necessity, whether the young man be or be not a Dissenter, during the years of education. He submits to the discipline of the University, and of his college; but if he be to be admitted on the ground that no religious observance shall be required of him, and no religious instruction conveyed to him, the result must either be an easy good-humoured indifference to all religion, on the one hand; or a continual exasperation, on the other, when religion shall be made prominent. In either case the great end of the Universities will be destroyed: that end is to render to the State, and to the Church of England, good subjects and good Christians. That end, by God's blessing, they have largely attained: to that end they desire ever to look.

I have had, I repeat, no communication with the University of Oxford on this subject. I speak only for myself: but from my intimate knowledge of the character and principles of the leading men in the University, I feel not less certain, than if I had enjoyed direct communication with them, that Oxford would decline to educate any young men, whose religion should not be confided to her. The University of Oxford feels it to be her first duty, (and I trust, will never cease to feel the responsibility of the charge,) to maintain that system of religious instruction, which, in her judgment, is connected alike with the best interests of man and with the Word and Truth of God.

I thank the House for the kindness and indulgence with which they have heard me.

Mr. *O'Connell* did not require the apology that he might derive from the distinct allusions which the hon. Baronet had made to him to speak on that question. It was one which involved the cause of religion and the civil rights of all classes of Christians. It was one which related to freedom of conscience, and had the beneficial tendency to disconnect the exercise of a spiritual feeling from the influence of temporal advantages. It was a question upon which all Members of that House should express themselves, and if he (Mr. O'Connell) had no better motive for rising than to disclaim any intention of discourtesy towards the hon. Baronet, it was sufficient. There was not a Gentleman in that House whom he respected more for his invariably good deportment, and the perfect candour with which he expressed his opinions. But his praise must stop there. The hon. Baronet's theology was unsound—his politics were not more sound, and his exclusiveness of principle —it would be discourteous to call it bigotry (though that was the name it would receive in any other place)—was what he considered worst of all. It was such as he should have expected to have found locked up in the cells of Salamanca during the days of the Inquisition; it was bad there, or here, or any where; and he did not think it improved, though delivered so chauntingly by the hon. Baronet himself. It aimed at the legislative power over property. The hon. Baronet argued, that what was granted as a gift by Government to a public body, bore a parallel to a private gift to an individual; certainly a gift to an individual could not be retracted; but what analogy was there between such, and the transfer of property which was made from a Roman Catholic to a Protestant establishment? There was no comparison whatever between the two cases. He should proceed to notice an objection brought by the hon. member for Oldham. Whatever came from that hon. Member bore the mark of common sense, and was entitled to the highest respect. He argued, because Protestants were more wealthy than Dissenters, that therefore, the concession of the Dissenters' claims would be no advantage to them, because their poverty excluded them from enjoying the benefits of education. Yet the injustice was still the same; because, in the event of the Dissenters becoming rich, they were debarred from the advantages of opulence, while the rich Protestant was in full possession of all privileges. Again, if a poor Dissenter by industry accumulated wealth, and a poor Protestant did the same, the latter would meet the rewards of that industry, while the former was excluded from them, because of a legislative enactment. He would ask also, was not injustice at present done to the rich Dissenters, and was not an injustice to a rich man as censurable as that done to a poor man? so that on every ground the hon. Member's objection was invalidated. The hon. Baronet indulged in arguments of quantity, without sufficiently adhering to the arguments of principle. He spoke of the property accumulated by the colleges of Oxford and Cambridge since the time of the Reformation. What did that show? The inference would be immediately drawn when it was known that, in Catholic times, Cambridge University had fourteen colleges, and since then it had but three; Oxford during Catholic times had twelve colleges, and now it had but six. The question was one entirely of principle. Knowledge was a good thing in itself, because it led to the discovery of truth, and consequently to the establishment of principle; but, separate knowledge from principle, and what would be the result? Why, it was knowledge without prinple which burned the Lollards in the reign of Henry 8th, and during subsequent reigns, burned both Catholics and Protestants. Knowledge without principle had ever been the great scourge of the human race; and he was sorry to see that it had partisans and apostles even among the elect of those Universities. There was no instance in which the temporal interests of the establishment did not influence the conduct of the clergy educated at these Universities. They had preached up the doctrine of passive obedience and non-resistance, and continued Tories in every change and phasis of Government, down to the passing of the Reform Bill; and now they opposed the admission of the Dissenters to the Universities, as if they had something as powerful as the Inquisition at their backs. The hon. Baronet, when he had discussed the question of quantity, had introduced his religious opinions, and said he would undertake to prove, that the Wickhams, and other founders of the Universities, were not Roman Catholics; but he would meet him upon that point. He would ask him, were not the Protestants of the Established Church of the present day placed in this dilemma? They contended for the right of deciding for themselves, but the moment any other professing Protestant attempted to decide for himself, they turned round on him and called him by some nickname of Dissenter, and denied to him his proper name of Protestant. He would ask the hon. Baronet, whether Bishop Wickham did not say mass every Sunday and every week-day, at his chapel at Winchester? He would ask him, did not the Bishop believe in the invocation of saints and the doctrine of purgatory?—and if Bishop Wickham believed all those things, he would make the hon. Baronet a present of the title of Protestant. It was evident, that these institutions were founded on private endowments from grants made by private individuals, and for private purposes, namely, for offering prayers for the souls of the faithful departed; but all those private intentions for the disposal of private property had been overruled by the Legislature. He acquiesced in that arrangement. It was property which had been appropriated to a great public object, and although he differed from those by whom that alteration was effected, he not only submitted to it, but he was willing to enforce that submission upon others. He contended, that the nation had a right to dispose of that property—there was no statute of limitations; and if the Parliament, as the hon. Baronet would insinuate, had not the power, then it was a robbery, and he called on the hon. and conscientious Baronet to make restitution. The hon. Baronet had then taken an excursion to Ireland. The college of Maynooth, he said, was entirely supported by the annual grant. He was quite sure that the hon. Baronet thought the case was so; for he knew that he was incapable of making any assertion which he did not believe; but in that he was mistaken. The college, by law, was prohibited from possessing property to the amount of more than 1,000*l.* a-year, but to that sum they were entitled; therefore, it was quite plain that only a part of the college was supported by that annual grant. That college had flourished in spite of the severe times of the penal laws: in those times two Acts had been passed in Ireland, one prohibiting Catholics from being educated at Maynooth under pain of transportation, the other forbidding them to go out of the country, in order to obtain education, under pain of *premunire*, total loss of goods and property. Now, what was the effect of those laws? Why, that Catholic families sent over their property to the Continent, where their sons were allowed to receive the great blessings of education without fear. In his own person at present in the University of Paris, he was entitled to thirty-five exhibitions, which were worth more than 1,000*l.* There were many Catholic families in the same situation, and if Government, at the convention of 1814 and 1815, had taken as much care to have had a restitution of the ecclesiastical property belonging to subjects of this realm, as they had done of other kinds, they would now have had more than the Parliament had ever voted towards the support of Maynooth. Then there was the University of Dublin, which was an exclusively Protestant Establishment as it now stood; it was also a national institution as well as Maynooth. In the reign of Henry 8th, the Franciscan friars who inhabited it were turned out, and the revenues with which it was endowed, amounting to upwards of 60,000*l.*, devoted to Protestantism—yet in that University, Catholics were enabled to take degrees; and had the result proved disadvantageous to the University, or rather had it not proved most beneficial to it, in every sense of the word? and not only to itself, but also to the country generally. By the Act of 1792, a Catholic might fill the medical chair in that University, and it was clear that it also intended that Catholics should be eligible to scholarships, but after two or three had been admitted, the fellows had thought it necessary to require the Oath of Supremacy to be taken, which again excluded them; but it was clear that that was according to the practice, and not according to the law. It was for the benefit of the country; his sons had met in that place in fellowship with the sons of those men who were most opposed to him; and they formed private friendships, which might put an end to feuds that otherwise might have disturbed the country. Besides, another argument that ought to weigh much with the hon. Baronet was, that it was the fact that many had been won to the Protestant religion from their attendance in that college. That was, therefore, a precedent of the highest class and of the first order, putting an end to all that was said of the great mischief which would accrue to the Church, if the Dissenters were allowed to take degrees at the Universities. One such fact was worth a million of prophecies; he had proved, that the experiment had been made, and that it had been triumphantly successful. The petition from Cambridge had been ushered in with great talent by a Member of the Government, and supported by many Members, as being a very important petition, emanating as it did from such a quarter. But he could not assent to all the praise which had been bestowed on it; he thought it a miserable and stingy petition, and instead of its being creditable to the University, it was highly discreditable. It appeared that there were seventeen heads of colleges, only two of whom signed it, twenty-five professors, and only eleven signed it, and seventy-four tutors, only ten signed it. Alas! for those who did not sign it. What was that at the present day? Salamanca was nothing to it. It seemed that they allowed the Dissenters to be at the University as long as there was any money to receive, and then turned them out, with a mark that went to degrade them below their Protestant fellow-subjects. In the name of the great principles of conscience, why did they not sign the petition? In his opinion they were degraded for not having done so. He meant nothing offensive to them—they were most learned men, and "most potent, grave, and reverend seigniors." Yet, with all the praise and congratulation that had been bestowed on the colleges, only a very few had signed it, and they were lauded as the best, wisest, and gravest supporters of freedom of conscience; yes, they were—for themselves, but woe to those who were of a different opinion. But where was Oxford all this time? Oxford was left completely in the dark, for Oxford refused altogether to enlighten the Dissenters. Hon. Members might say, that they were supporting the Established Church; but had an Established Church continued long in any country where the opinions of the educated and enlightened middling class had been attempted to be destroyed? No Established Church continued long, unless it possessed the sympathy and affections of the people. He asked, were they the friends of the Established Church, who left even him to expose them, as it was in his power to do, by a statement of such facts as these? If the Catholic Church had continued to mix up political feelings with its religion, and had enlisted the principles of persecution—so alien to Christianity, and so alien to every Christian Church—if it had continued to do so, the banners of the Protestant Church would long since have flourished over her; and if she had existed by temporal means, it was because the most sincere of her children were the most convinced of the right of every human being to worship his God according to the dictates of his conscience. He was afraid he had trespassed too long upon the House. He thanked them for the favourable hearing they had given him. He meant no disparagement to the hon. Baronet, the member for the University of Oxford; but, on the part of the Dissenters of this country—and for a moment he would consent to be called a Dissenter—he would not object to be so called, recollecting what a noble set of men the Dissenters were—what learning was amongst them, what talent, what principles, and, above all, what exertion for civil and religious liberty; only, therefore, declining to subscribe himself a Dissenter, however much he must respect the name, he would not object to be called a Dissenter for one moment, whilst he, on their behalf, asserted that religion was an affair between man and his Creator. That God alone, who saw into the human heart, could know who was sincere, and it was a violation of what he thought the prerogative of the Lord, and the rights of man, to interfere by force, fraud, or temptation, between man and his God.

Mr. *Shaw* would not, at that advanced period of the time allotted for the morning sitting, do more than refer to one point alluded to in the speech of the hon. and learned Member (Mr. O'Connell) he meant that which related to the University of Dublin. He agreed with the hon. Member that the system of granting degrees to Dissenters, worked well in that University, but he entirely differed from him as to that forming a precedent of any value for regulating the practice of the English Universities. The great difference between the two cases was this: at Oxford and Cambridge residence was essentially necessary for keeping a term, whereas in Dublin it was not necessary; but the terms were kept by answering at examinations held every term for the purpose. The hon. and learned member for the town of Cambridge (Mr. Pryme) was altogether mistaken in supposing, that these were only honorary degrees which were conferred on non-residents. So far from it—not above one-eighth, that is, about 200 out of 1,600 under-graduates, resided within the walls of the college; and those from convenience and not of necessity, residing every day in the term, and attending every lecture and every chapel, would not keep the terms without passing the examination, while passing the examination alone would keep the term, although the undergraduate did not reside a day or attend one chapel or one lecture. He should at the same time state, that in practice probably about half the undergraduates, or 800 out of 1,600, lived within such distance of the college as enabled them to avail themselves of the advantage of the lectures; but then they resided in the houses and under the care of their parents or guardians, so as not to require the same strict discipline in religious exercises as was requisite at the English Universities. The whole difficulty as regarded the latter resolved itself into one of academic discipline, as had been well stated by his right hon. friend (Mr. Goulburn), for to admit Dissenters, you must not only infringe upon the discipline of the college on the one hand, but leave the dissenting students without religious instruction from teachers of their own persuasion on the other, thus either the discipline of the Universities must be lowered to meet the principles of the Dissenters, or the principles of the Dissenters must be lowered to meet the discipline of the Universities. But this was not the case in Dublin where residence constituted no essential part of the system; where, too, the University consisted of but one single college, possessing, no doubt, powers and privileges similar to the English Universities, but necessarily simpler in the regulation of its practice. Besides, no change in the constitution of the college had been required for the admission of Dissenters, while such would be absolutely necessary in the English Universities, and that seemed a little too much to ask. He was happy that the privilege could be granted in the Irish University consistently with its rules—but he could not see how it was practicable at Oxford and Cambridge. He was at all times willing to remove disabilities from any class of the people, if that could be done without endangering the Established Church, or impairing the cause of true religion. With regard to Protestant Dissenters, there was, perhaps, no portion of the United Kingdom where they and members of the Established Church lived in such harmony and perfect good-will to one another, co-operating cordially in every benevolent and charitable object as in Ireland. He was, however, bound to say, that the Roman Catholics were not satisfied with the privilege of obtaining degrees in the Irish University. They now sought, and there was a notice to the effect on the books of the House, to be admitted on the foundation and to fellowships, which was utterly impossible, without a total subversion of the whole character and nature of the University. He thought, too, that the English Dissenters should plainly state what was the extent of their demands, and the hon. member for Boston must allow him to say, that his explanation on that subject was totally unsatisfactory. The hon. Member said, they required " absolute liberty." The hon. Member must excuse him for saying that the definition required to be defined as much as the original proposition; for while the hon. Member's idea of absolute liberty was one thing—that of other Dissenters might be another. The Manchester Petition, for instance, prayed for an immediate dissolution of the connexion between Church and State, and the expulsion of the Bishops from the House of Lords; while one from Edinburgh said " No remedy would suffice but a total abolition of Ecclesiastical Establishments in all their forms; and that Dissenters could be but semi-loyal until the Church Establishment was extirpated. From the advocates of tolerance, this was intolerance with a vengeance; and while he did not impute such sentiments to all the Dissenters, yet they should know that such unjust and extravagant demands were put forward in their behalf, in order that they might distinctly and expressly disclaim them.

Viscount *Palmerston* said, that having had the honour of representing, for a considerable period, the University of Cambridge, from which the petition now under the consideration of the House had emanated, he was anxious to take the present opportunity of expressing the great satisfaction with which he saw that petition now lying upon the table. Although his political connexion with that University had ceased; yet it was impossible that he should not take a deep interest in all that regarded its welfare. He thought the petition redounded greatly to the honour of the establishment, and was satisfied that a compliance with the prayer would contribute to its general interests. He had observed, amongst the signatures attached to the petition, the names of many distinguished individuals who had honoured him with their private friendship and political support. Attempts had been made to detract from the weight due to the petition by stating, that it had only been signed by a minority of resident members, and that it did not bear signatures of any non-resident members. With respect to the latter argument, if it had been signed by non-resident members, how vehemently would the objection have been made, that persons who were not conversant with the discipline or government of the University had petitioned for that which would be injurious to its interests! Undoubtedly the number who had signed that petition was small; but if the House took into account, not merely their numbers, but their attainments in science and their great natural talents—he would say, if those members were allowed to multiply their votes by the treasures of knowledge, which they had laid up in store (as the members of some assemblies were entitled to multiply their votes by their riches)—the petitioners would represent the great majority of the intellect and talent of he University. In saying this, however, he did not wish to disparage the character of the several very eminent men whose names were not attached to that petition. The objections which had been stated to it were placed upon two grounds,—first, that the grievance of which the Dissenters complained was trifling, inasmuch as they already enjoyed all the advantages of an education in the University; and, secondly, that the adoption of the prayer of the petition, would be injurious, if not fatal, to the interests of the University, by interfering with that system of religious education which was one of its distinguishing characteristics. With regard to the first point, it was alleged, that not only were Dissenters admitted to the course of study in the University, but that they were allowed equally to partake of those honours, the hope of which was the great stimulus to exertion during the academic course, and the attainment of which stamped the possessor for life with an honourably marked character. It was said, that the mere privilege of attaching the letters M.A. or B.A. to their names was of too trifling a nature to be made the grave matter of complaint. Suppose these titles were nothing but empty honours, still, he maintained, that honours and titles were matters of local and conventional value, and that much depended upon the labours by which honours were obtained; and he would venture to say, that any young man of genius and talent, who had toiled through the labours of academical study (and few hon. members were aware of the extent of that labour), who had undergone these toils, and who had succeeded in crowning himself with academic laurels — no man of that class would listen with patience to those who would tell him, that those titles were empty names. It must be most galling to the heart of any honest man to be deprived of these honours (conferred, perhaps, on associates less deserving) merely for conscience' sake, because he had adopted the creed of his fathers,—because, at an age when, in temporal matters, he could not take a binding engagement, he was called upon to subscribe articles of faith which concerned the most important, because the most lasting interests of mankind. Could it be denied, that this was a serious grievance? It was well known, that with respect to the learned professions to which many members of the University devoted themselves, physic and law, the attaining a degree was a most essential help to their future professional prospects. He (Lord Palmerston) remembered having heard a striking illustration of the importance of those degrees, in the Hall of Trinity College, Cambridge, from the late Lord Erskine, who, with that talent by which he adorned every thing he touched, was explaining how all his professional success was owing to his having graduated in the University of Cambridge. He stated, that having taken to the bar late in life, he was discouraged by the long probation he would have to go through, and was about to quit it with disgust, when, it was suggested to him, that if he went down to Cambridge and took out his degree there, to which his previous studies had entitled him, it would be of essential benefit to him; he went down: he took his degree; he was encouraged to persevere, and to that degree he mainly attributed his subsequent eminence. If Lord Erskine had been a Dissenter, he would have been cut off from this resource, and the English bar would have lost one of its brightest ornaments. The grievance, then, was necessarily a severe one upon the Dissenter, who could not be admitted to a degree. But he was prepared further to contend that it was a still greater grievance upon the public at large. The public had a right to have the benefit of all the best talent in the law or in medicine that the country might possess; but, by the absurd principles which prevailed, the supply of persons properly qualified to discharge those duties was necessarily limited, and the country injured. The injury to the individuals might be measured as far as it was possible to measure the sufferings of a wounded spirit; but the injury to the public could not be estimated, because no man could tell how much talent was suppressed, or how much genius was blighted, by their exclusion from their natural career. So stood the case with regard to law; but with regard to medicine, it was impossible almost to argue seriously against such a principle. What could be so absurd as to require a man to subscribe the thirty-nine articles before you will allow him to cure you of a fever; and to refuse to permit him to save you from the grave digger, until he has convinced you that he is a member of the

Established Church. If, then, he had shown the existing grievance, where remained the objection to grant the prayer of this petition? It was true, that it had been said, that to do so would be to overthrow the whole system of University discipline, and that, as the Dissenters would necessarily become members of the governing body, the whole regulations would be altered, and that, therefore, the University would cease to be a seminary for the education of members of the Established Church. In using that argument, hon. Members altogether forgot, that Dissenters were already admitted into the University, and as they submitted to the course of discipline now existing, no alteration was required. Even now, not only Dissenters, but Catholics (and he had known an instance of a member of the Greek Church) were admitted within the walls of Cambridge; then, how was it to be said, that the admission of Dissenters to degrees would tend to the contamination of the religious principles of the students of the Protestant Church? It had again been contended, that the relaxation of the rule might do away with the compulsory attendance of the undergraduates in the religious service of the Church. Now, he would ask, if there would be really any great harm in such a change? Was it either essential or expedient, that young men should be compelled to rush from their beds every morning to prayers, unwashed, unshaved, and half dressed; or, in the evening, from their wine to chapel, and from chapel back again to their wine? By such a course, the interests of the Church and true religious feeling could not be really served or advanced. A change in such a system of discipline would not be injurious, either to the interests of religion or to those of the University. But no change in the internal government of Colleges could be effected by the Senate, and, therefore, no dangers were to be apprehended by the admission of Dissenters as part of the governing body. The Senate had no power or control over the discipline of the colleges; and into the collegiate government, with whom that power rested, the Dissenter could not enter, because it was constituted of fellows; and he should as soon expect a Dissenter to ask for a rectory, or a stall in a cathedral, as that he would seek or obtain an ecclesiastical fellowship. The dangers which the right hon. Gentleman opposite (Mr. Goulburn) seemed to apprehend could not arise. The right hon. Gentleman might as safely intrust his sons to the University, after the admission of Dissenters to degrees, as he did now, when they were in association with members of the Established Church in a course of education. He should not now detain the House further than to express a hope that the petition would receive that due attention and consideration which its importance demanded, and that means would be devised to redress the grievances and remedy the evils of which it complained.

Sir *Robert Peel:* I stand, in some respects, in the same situation with the noble Lord who has just sat down—like him I enjoyed, for a considerable period, the honour of representing one of the Universities—like him, I have ceased to enjoy that honour; but I remain also, like him, animated by an unabated desire to advance the permanent welfare of the Universities, convinced, as I am, that it is intimately interwoven with the well-being of the community at large. I shall address myself, without further preface, to the main question at issue; and I must say, that if every hon. Member would adopt that course, and consent to omit a long irrelevant exordium, it would tend much to the economy of the public time, and to the despatch of the public business. The prayer of this petition has been supported upon three distinct grounds, to each of which I shall advert, if the short period to which I am limited will permit, in succession. The first ground is, that the system of education pursued at the Universities, coupled with the regulations adopted by certain other public institutions, imposes civil disabilities on the Dissenters which they are most anxious to see removed. Now, I at once admit, that if such civil disabilities exist, they ought to be removed. I admit, that if there be a system of education, and of regulations connected with education, adopted by public bodies acting under the authority and sanction of the State, which confers advantages of the nature of civil privileges on one class of the King's subjects that are withholden from another, that system ought to undergo a modification, for the purpose of placing all, in so far as political or civil capacities are concerned, upon the footing of equality. The Dissenters allege, that by the statutes of the Universities, they cannot be admitted to degrees, because they cannot conscientiously take the religious test, which is an indispensable condition to the degree; and as other public bodies, superintending the professions of medicine and law, give to those individuals who obtain degrees in the Universities advantages which they, the Dissenters, cannot acquire, that they, therefore, in consequence of the combined operation of these regulations, labour under disabilities to which other members of the State, in prosecuting their studies in law and medicine are not subject. I am bound to say, that I feel the full force of this objection,—that I think the disadvantage, whatever be the amount of it, ought not to continue, and that there is a fair claim for the interposition of the Sovereign authority, if relief cannot be obtained without such interposition; but I do not admit, that it, therefore, follows that the prayer of this petition ought to be complied with, and that Dissenters ought to be admitted to degrees in the Universities. It may, and I think it does follow, that the State ought to require that those who preside over the professions of law and of medicine, should so modify their regulations, as to give, substantially, to all parties, equal facilities of admission to the two professions, as to efface all appearance of inferiority, and to remove every distinction, whether involving a disability or a sense of degradation, by which the Dissenter can suffer. In what way this shall be done, there is not now time, nor is this the occasion, to inquire. That it ought to be done in some way or other, I readily concede; although I protest against that particular mode of doing it suggested by the Cambridge petition, This was the first ground relied upon in support of the petition, and I was desirous to state, at the outset, the extent to which I admit its validity. The prayer of this petition has been maintained upon two other grounds: the one, that the Dissenters have a right—a positive right—independent of their claim to the removal of those civil disabilities to which I have before referred—to participate fully in any system of University education recognized by the State;—the other, that, whether there exist a right or not, great public advantage would result from conceding to them such a participation. Now, I say, at once, that while I am as much disposed as any man, strenuously to contend for the removal of all civil disabilities,—while I am prepared to maintain that principle, and to carry it practically to all its legitimate consequences,—I must, nevertheless, contend, that the demand, on the part of the Dissenters, to be admitted to degrees in the Universities of England, is, as a claim of abstract right, without exception, the most extravagant demand which has been advanced in modern times. If we have not the right to exclude Dissenters from the benefits of University education, we have not the right to maintain the connexion between the Church and the State. The arguments by which a system of education limited to members of the Establishment can be maintained—(I am now speaking of the abstract right so to limit the system, not of the policy)—are identical with those by which the Establishment itself can be supported. My right hon. friend, who introduced this petition, very prudently avoided the question that has been agitated by others, whether such a right does or does not exist, and mainly confined himself to a statement of the benefits, both to Dissenters and the public at large, which would result from the concession of the privilege required. My right hon. friend, however, is too old and skilful a disputant not to know, and not to avail himself of, every matter, however irrelevant to the real merits of the question, by which he could create a prejudice against those statutes or regulations of the University which he is seeking to repeal. My right hon. friend first told the House, that the decree, of which the Dissenters complained, originated in the reign of James 1st, at a period at which barbarous dogmas in religion and politics prevailed, from the influence of which this enlightened age has been happily relieved. My right hon. friend knew his audience,—he knew that an attack upon the character of James the 1st—that even the mention of Newmarket—would produce a more lively impression on the House, than a sober argument upon the substantial merits of the case. He told the House, that King James 1st, not in Council, but when he was engaged in the sports of the field, sent a mandate from Newmarket, in the shape of a letter, (a hasty and inconsiderate letter, written, I suppose, between the heats) and that, in consequence of that letter, the Dissenters were forthwith, and for the first time, excluded from the privilege of degrees. And then, says my right hon. friend, after exciting the House to a proper pitch of indignation,—will you, the Reformed Parliament, consent to ratify the Newmarket decrees of James 1st? will you not rather recur to that purer and happier era, when, under the gentle auspices of Queen Elizabeth, the true principles of civil and religious liberty were so well understood and so carefully enforced in practice? Why, surely, my right hon. friend knows perfectly well, that he was concealing from the Reformed Parliament an important fact—no other than this—that it was in the reign of Elizabeth that tests were imposed, the main and avowed object of which was to confine degrees in the University to the members of the Established Church. During the reign of Queen Elizabeth, the presumption was, that the community was divided into two great classes—those who belonged to the Established Church, and those who adhered to the Roman Catholic religion. It was not until the close of the life of Elizabeth that serious differences in point of doctrine arose among the Protestant Reformers. The very first act of the reign of Elizabeth required, that every member admitted to any degree in the University should take the Oath of Supremacy. That Oath differed materially from the present Oath. It did not merely reject the supremacy of the Pope, but it declared, that the Queen's Highness was the only supreme governor, as well in all spiritual and ecclesiastical things or causes, as temporal. But what does my right hon. friend say to the Act for the uniformity of common prayer and divine service in the Church, passed in the same year—the first of Elizabeth? This Act required all persons, under heavy penalties, to resort to their parish Church, or chapel accustomed, in which divine worship, according to the rites of the Church of England, was performed, upon all Sundays and holidays. The operation of this Act, combined with the religious test, was meant to confine degrees in the Universities to the members of the Established Church. The decree of James went merely to enforce that which had been the principle of the previous laws of Queen Elizabeth, my right hon. friend's pattern of toleration. But my right hon. friend has something yet in store, to fill up the measure of contempt with which James 1st, and all his decrees, should be viewed in this enlightened age, and by this Reformed Parliament. He reserved for the last—for the climax of his wrath—the tremendous fact, that James 1st was actually the author of a Treatise on Demonology. Now, can anything be more absurd than this attempt to weaken the authority of existing laws, by referring to the speculative doctrines entertained by the monarch in whose reign such laws may have been made? When we come to the discussion of the Repeal of the Act of Union, will my right hon. friend consent, that the binding authority of that statute shall be decried by a reference either to the circumstances which may have attended its enactment, or to the private opinions which may have been held by the King in whose reign it passed into a law? But James 1st, says my right hon. friend, wrote a Treatise on Demonology. Is my right hon. friend aware, that his own chosen model,—his great example of religious toleration,—Queen Elizabeth herself, wrote also a Treatise on Demonology? Her treatise, to be sure, is a very short one; but I much doubt whether she does not put her argument with greater force than King James. It may be asked, how does this line of argument bear on the question before the House? I answer, not in the remotest degree; but when prejudices are attempted to be unfairly excited by such topics as those of which my right hon. friend made use, then it becomes necessary to efface the impression by exposing the artifice, and by showing that the topics are not worth one farthing. My right hon. friend invited the House to respect the authority of Queen Elizabeth, and to reject that of James, because James believed in demonology, and wrote a treatise upon it. I answer, but Elizabeth was a believer also; and I produce her treatise on the same subject. The title of Queen Elizabeth's performance, is, "An Act against Conjurations, Enchantments, and Witchcraft;" and this is the form in which she puts her argument:—'Whereas, since the repeal of the statute of Henry the 8th, many fantastical and devilish persons have devised and practised invocations and conjurations of evil and wicked spirits, and have used witchcraft, enchantments, and sorceries, to the destruction of the persons and of the goods and chattels of their neighbours,' Therefore, says Queen Elizabeth, 'If any person, after the 1st day of June next 'coming, shall use, practise, or exercise 'any charm or sorcery whereby any person shall happen to be wasted, consumed, 'or lamed, or whereby any goods or 'chattels of any person shall be destroyed, 'such offender, with his counsellor and 'aider, shall suffer imprisonment for one 'whole year; and shall once a quarter, in 'some market town, stand in the pillory 'six hours, and shall there openly confess his error. For a second offence he 'shall be hanged.' So much for Queen Elizabeth's Treatise on Demonology. These, Sir, were the absurd errors of the times both of Elizabeth and James; but I am pretty confident that I have somewhere read, that James was the first man in his dominions who opened his eyes to these errors, and doubted the existence of witchcraft and demonology. Wiser men than James were not exempt from these errors. Does my right hon. friend forget the opinions of Lord Bacon, with respect to witchcraft? Lord Bacon, the greatest luminary of his age, and one of the most powerful intellects of which any age has had experience, gravely considers the reason why witches delighted to feed upon man's flesh. "The reason," he says, "is likely to be, that man's flesh may send up kind and pleasing vapours which may stir up the imagination, and as the great felicity of witches doth consist in imagination, this may be the reason for their liking man's flesh." Now, I ask, is this great man's authority on every other point to be set at nought, because he entertained opinions which we, in a later age, ridicule as childish and absurd? To revert to the question of right. The right to what? Three days have been spent in the discussion of this subject, and at this moment the extent of the right claimed by the Dissenters is not defined. The petition is specific; but the debate leaves the matter in complete uncertainty. Two Gentlemen, who speak with authority on the part of the Dissenters, have taken a part in the debate. The member for Leeds claims for the Dissenters a perfect right to participate, not in degrees merely, but in all the emoluments and rewards of the University, except, he says, those which may be specially appropriated for religious purposes directly connected with the Church of England. I am not satisfied, says the hon. Member, with the prayer of the petition, but I claim for the Dissenters the right to be elected to all the offices of the University with the limitation above-mentioned. The hon. member for Boston reserved for the end of his speech this important declaration; "It is right," he said, "that I should not conceal from the House, on this solemn occasion, what the real objects of the Dissenters are, and what is the extent of their claims; and I shall adopt the precise language of Mr. Locke, in order that there may be no misunderstanding as to the full expectations and wishes of the Dissenters." And then, in the most impassioned manner, and with an air of sincerity, which led me certainly to conclude that we were about to know the whole truth—that we were about to have conveyed to us, with all the precision of Mr. Locke, the full extent of the demands of the Dissenters, the hon. Member exclaims—"What we demand is liberty—absolute liberty—just and true liberty—equal and impartial liberty." Now, I am left—after the hon. Member's earnest effort, with the aid of Mr. Locke to be explicit—in precisely the same position, with regard to the views of the Dissenters in which I was before the hon. Member made his declaration. I can understand the member for Leeds; his avowal is manly and intelligible; but if I were asked to prescribe the mode in which the demand of the Dissenters may be made in the most loose and vague manner, I would advise the adoption of the course taken by the member for Boston—I would call for "just and true liberty, equal and impartial liberty," reserving to myself the right to judge in what that "just, and true, and equal, and impartial liberty" might consist. Whatever be the difference in our opinions, in this position I apprehend we shall all agree, that before we take the first step in a matter of this importance, we ought to consider whither it will lead? The present petition asks that Dissenters may be admitted to degrees in the Universities. My right hon. friend, the member for Cambridge, says, that he will abide by this petition, and, in the most marked manner, says, he will not advance one step beyond the prayer of it. The noble Lord opposite says, that he will concede to Dissenters the privilege of degrees, but that he would consider a claim beyond degrees equally extravagant with a claim to be appointed to a living, or any ecclesiastical preferment. Now let us consider whether you can, consistently with your own principles, stop where the petition stops? We are to admit Dissenters to take degrees at the Universities. The noble Lord contends, that it is the greatest hardship that they should be excluded from degrees after they have manifested the talents and good conduct which are to be inferred from the grant of a degree. Does the noble Lord see no hardship, also, in inviting the Dissenters to the University,—in opening to them the wide field of competition, and in then telling them, "Whatever be the superiority you may have exhibited,—whatever be the distinctions you may have acquired,—you must be content with the barren privilege of a degree; to you no office in the University, either of influence or emolument, is opened;—all fellowships, all scholarships, everything of profit that might aid you in early education, or in the misfortunes of after-life, is reserved for another and a more favoured class?" I ask you to consider, and to consider now, whether you are taking a position which you can maintain? You are required to confer on the Dissenter an inalienable right to be admitted to education in the Universities, without condition or limitation, and also to the privilege of taking degrees. Having taken their degrees, the Dissenters will become a part of the governing body of the University, qualified to vote on all matters relating to the University, as all other Masters of Arts are qualified. You will have thus introduced into the governing body a powerful party,—a small minority, perhaps, but a very active one, having no interest in common with the rest of the University; excluded from every lucrative office,—from every appointment of influence, or of honour, and banded together by a sense of inferiority and degradation. What was the answer made to those who professed a willingness to admit the Roman Catholics to seats in Parliament, but would exclude them from the high offices of the State? It was this:—"No; we will not have a body in the State, intrusted with the functions of legislation, but cut off from the hopes of Royal favour,—wielding all the energies of popular representation, and with those energies uncontrolled by the ambition of official preferment and distinction. This is the way to make privileges dangerous to the institutions that have conferred them,—to give a premium upon discontent and disaffection, at the very moment you are conferring power." Has this answer no application to the present case? But, apart from this consideration, on what principle, after you shall have conferred the absolute right to admission and to degrees, will you maintain a continued exclusion from all the substantial benefits of the University? I am not speaking of ecclesiastical preferments, or of appointments which infer in the holder a spiritual character; but I am speaking of all those appointments and offices which are tenable by laymen. Is the Dissenter excluded from the great majority of these, at the present moment, by any impediment, differing in its origin and character from that impediment which prevents his taking a degree, and which it is now proposed to remove by the authority of Parliament? Does the disqualification of the Dissenter, in regard to lay offices, arise from the will of the founder?—does it arise from the original conditions of the foundation?—or does it arise from some statute or regulation imposed by an extrinsic authority? If from the latter, how will you, on your principles, continue it? Are there not fellowships in several of the colleges which are lay-fellowships? May not a member of Trinity College hold even an ecclesiastical fellowship for several years before he is required to take orders? [Mr. *Pryme:* Yes, if he subscribes the articles.] Subscribes the articles!—but I am asking you on what principle is it that you will maintain the articles, as a test for lay-fellowships, when you have abandoned them as a test for degrees? But there are scholarships as well as fellowships. Will you, or will you not, admit the Dissenters to scholarships? [Viscount *Palmerston:* Why not?] The noble Lord says "Why not?" He feels so strongly the force of the argument—that if the Dissenters are admitted to degrees, you cannot exclude them from the other benefits and emoluments of the institution, of which they will thus become members,—that he at once concedes the further privilege of being admitted to scholarships. Will he stop there? Even if he do, I say, he abandons the ground taken in this petition,—he abandons the ground on which the member for Cambridge, and the Secretary for the Colonies, profess to take their stand. If the petition means anything, it means, that the privilege of the Dissenter shall be limited to the degree, and that he shall not be admitted on the foundation of the respective colleges. I contend, on the other hand—and the noble Lord now seems to agree with me,—that the first concession involves the remainder—that it establishes a principle which cannot be limited to the taking of degrees,—that it is a concession which will ultimately give no satisfaction—that it will, indeed, serve as an instrument by which other objects may be achieved, but that the interval will be an interval of struggle and discord;—at the end of which you will discover, that you have healed the wound of the people slightly—that you cried peace, peace, where there was no peace. My argument is, not that you should reject a reasonable demand, for fear that an unreasonable one should follow; but I contend that the concession in this case of the first demand, will alter the character of the other demands, and through the establishment of a novel principle, will make those demands reasonable which you now consider unreasonable. I say now, as I said with respect to the repeal of the Test and Corporation Acts, and of the Roman Catholic disabling Statutes, " There is no benefit in partial concessions, which involve a principle upon which other concessions may justly be required;" and on that ground I voted in each case, when further resistance became unavailing, for a full and entire measure of relief. Into the effect of this concession upon the discipline of the University, I feel that it is too late to enter. The noble Lord says, it can have no prejudicial effect in Cambridge, for that Dissenters are at present admitted as under-graduates. Now, there never was a greater fallacy than that involved in the argument,—that because no inconvenience has followed from the occasional admission of Dissenters into a few colleges, wherein they conform to the established discipline, therefore no inconvenience will follow from their indiscriminate admission to degrees, as well as to education:—that admission being claimable as a right, conferred by an Act of the Legislature. A new code of regulations must be framed. Are the Universities to continue the great schools of religious instruction in the tenets of the Church of England? Is attendance on divine worship to be a necessary part of the system of education? If it is so to continue, are the Dissenters to attend divine worship, according to the rites of the Church, or to be released from the obligation of attending? Are they to be present at lectures explaining and defending the doctrines of the Church; or is religious instruction to be abandoned, as an indispensable portion at least of academic education? Says the learned Professor, the member for Cambridge,—"Let the Dissenters attend the lectures on theology; but then the lectures need not be of a controversial character." Oh! spare us, at least, from this humiliation! Let us have no lecturer in divinity, shrinking from the maintenance of divine truth, ashamed to defend the doctrines of his faith, out of courtesy to the feelings of his Unitarian or Roman Catholic hearers—out of apprehension that some dissenting student may claim, in the lecture-room, the right of free discussion—the right of vindicating his own tenets from the misapprehension of the learned professor. I know that I must, on account of the hour, conclude; and I will conclude with this single remark, that if you intend to compel the Dissenter to observe the religious discipline of the University, you are cheating him by the semblance of a privilege of which he cannot avail himself; if, on the other hand, you waive the religious discipline, out of deference to his scruples, you divest the Universities of their present character, as schools of religious instruction, and sever the strongest of all the links which connect the Church of England with the State.

It being three o'clock the Speaker left the Chair, and the debate was again adjourned.

REPORTS OF COMMITTEES—WARWICK.] Mr. *Halcombe* said, that he had an interesting communication to make to the House, relative to the drawing up of the Report of the Warwick Borough Committee. It would be in the recollection of the House, that he had, on a former occasion, asked a question of the hon. and gallant Chairman of that Committee, whether the Report was drawn up by a certain individual, and that the answer of the hon. and gallant Officer was, that "he knew nothing about it." The hon. and gallant Officer had also on the same occasion interrupted him (Mr. Halcombe) in the speech he was then making, and said, that he was ignorant of the matter in debate, and of all others. He regretted, that any hon. Member of that House should have been guilty of such language, and particularly when it was totally unmerited on his part. He had seen the manuscript of the Report in question: it was a fair copy in the handwriting of a law-stationer. He found, that some of the clauses had been inserted by the Clerk of the Committee, and the Clerk told him, that they were inserted by order of the Chairman, who referred him (the Clerk) to Mr. Joseph Parkes as to the insertion of the said clauses. He then went to the law-stationer, and the House should know what passed between them. He inquired about the Report, and the law-stationer said, "You mean the Report of Mr. Joseph Parkes?" He (Mr. Halcombe) said, "No; I mean the Report of the Warwick Committee." The law-stationer then told him, that four drafts of the Report were charged to Mr. Joseph Parkes, and that they were paid for by that Gentleman. This point was material, not only to the evidence given about the borough; but it was also important, as it showed the *animus* with which the Report had been drawn up. It was not of little consequence to know that the clause which so grossly attacked Lord Warwick, was introduced by the agent of the petitioners against the borough.

Mr. *Hume* rose to order, and begged to know, whether the hon. Member had any Motion to submit to the House?

The *Speaker* said, that even a Motion would not relieve the House from its difficulty. Any discussion as to who drew up the Report was improper. The Committee presented the Report to the House, and they were responsible for it. He never knew, that it was of any consequence to inquire who did or who did not draw up a Report of the kind, inasmuch as the House always placed its confidence in the Committee which presented the Report.

Mr. *Halcombe* felt distressed, that he should be obliged to make these remarks, but he had a duty to perform, and he would not flinch from it. With reference to the remarks that fell from the right hon. Gentleman in the Chair, he begged to state, he had a Motion to submit to the House. He considered it important that the Committee should take care, that the trust reposed in them by the House should be properly discharged, and that they ought not to allow any person to meddle with the evidence, or tamper with the drawing up of the Report. That was one reason why he brought the matter again before the House. In doing so he begged to state, that he was actuated by another feeling. As he had been made the instrument of an attack upon the character of Mr. Joseph Parkes, if the hon. and gallant Chairman could account for the drawing up of the Report, a public apology was due from him to the individual he had alluded to. The Motion he intended to make was, that "an inquiry should be instituted by Committee, or otherwise—as to whether the Report was or was not drawn up by the agent of the petitioners."

Sir *Ronald Ferguson* rose, but the cries of "No, no," were so loud and general, that the hon. and gallant Member sat down.

The Motion, not being seconded, fell to the ground.

FELONS' PROPERTY BILL.] Mr. *Rotch*, in moving the Order of the Day for the second reading of this Bill, said, that the object of it was so plain, that it would not have been necessary for him to say a word about it, had it not been for some observations that had been made on the opposite side of the House at the time of the first reading of the Bill. He admitted, that all the felons' property which fell into the management of the Government was properly administered, and the Report showed, that it was distributed with justice and due consideration. But when he saw, by the same Report, that not a hundredth part of this species of property was accounted for, he felt that there still remained much to be done. He found in that Report the sum of 3,192*l.* in the hands of Sheriffs; 2,533*l.* of which came from one individual, and yet, in ten years, he only saw 600*l.* of it accounted for. In Lincolnshire, for the space of ten years, he only saw 7*s.* 3*d.* accounted for; in the large county of York, for nine years not a farthing of this species of property was accounted for; and this he stated in the presence of the Recorder of one of the largest towns in that county, who could not deny the accuracy of the statement. In Wiltshire, for nine years, nothing was accounted for; but for one year he found the sum of 7*l.* accounted for. In Worcestershire there were Returns for two years, whilst for eight years no property of felons was accounted for. It was obvious that very large sums of money, and a great deal of property, must be taken from felons, which is never afterwards accounted for. The practice which generally prevailed, and with which every Gentleman in the House must be familiar, fully illustrated this observation. A man was,—suppose, arrested for stealing a jacket; he was tried and found guilty. At the time of his arrest the constable took all his clothes; and when the prisoner was found guilty, inquired of the Court how he should dispose of the property of the felon in his possession? The Court would not allow it to be given to the felon, and a portion of it was sometimes given to the prosecutor, upon his complaining that though the clothes did not belong to him, yet he had lost a good deal of property. After having passed through his period of imprisonment, the felon was turned out upon the world without, perhaps, a coat upon his back. Now, if some plan were adopted for preserving his property for him, this evil would be in a great degree remedied. In the Bill which he had submitted to the House he had endeavoured, as far as possible, to introduce the principle of Sir Samuel Romilly's Act. A principal object contemplated by this measure was, to provide that when a felon was possessed of property at the time of his conviction, such property should be available to make good the loss sustained by the party robbed and the public, in his prosecution in the first instance; and that, finally, the residue be reserved for his own use, or be applied to the maintenance of his children and family. It would be for the Committee to consider how much of it should be apportioned to go as a compensation to the party robbed; and how much should be apportioned towards relieving the County-rate for the expenses incident to such prosecution. He, however, had no hesitation in saying, that he thought a person found guilty of felony, who had 1,000*l*. in his pocket, which sometimes happened, ought to be obliged to pay the expenses of the prosecution; and in that way relieve the county in which he was convicted to that amount. In order to make the mode of administering the law in this respect intelligible, he would detail the facts of a case which occurred within his knowledge. A young apprentice robbed his master of twenty sovereigns; on search being made, a 20*l*. note was found in the prisoner's box. At the trial, the master proved distinctly the fact of the robbery being by the agency of his apprentice, and that twenty sovereigns were stolen from him, but admitted that the boy's father had given the boy a 20*l*. bank-note when he put him apprentice. The constable, after the conviction, produced the note, to which, or a share of which, the master laid claim, and now applied to the Court, but was refused any portion of the 20*l*. note, which was pronounced to be forfeited by the due course of law, and was taken by the Sheriff. Here the prosecutor had been put to an expense of 7*l*. 16*s*.; and he should like to hear a good reason offered by any lawyer there, why these costs should not be first paid out of the forfeited note, and the residue apportioned to make a partial restitution to the man robbed? The next defect of the Law of Forfeiture which he proposed to remedy was this; suppose a child, say of tender years, the son of a gentleman of fortune, to be convicted of a felonious stealing of a few apples, and sentenced to a short imprisonment; he was debarred by the conviction from all right to inherit his father's property; whilst the old felon, after returning from a long transportation, was enabled to inherit it; those who were transported having, by a special Act, their right of property secured to them. The whole of the Law of Forfeiture required to be amended; and he hoped the House would allow the Bill to be read and sent to a Committee of the whole House, in order to be examined in its details. He concluded by moving, that the Bill be read a second time.

Mr. *Roebuck* concurred with the hon. Member, that it was desirable to amend the law as regarded the forfeiture of the property of persons convicted of felony. It was very well known, however, that the Criminal-law was undergoing revision before a Commission composed of very competent persons; and he had no doubt, that they would be able greatly to improve it, and make it more systematic than it was at present. Under these circumstances, he thought that it would not be proper to proceed with a partial enactment. He thought, that it was much better that definite rules should be laid down for the whole law, than that they should proceed only on particular points. The hon. Member, however, had not proposed to put a stop to the forfeiture of the property of convicted criminals, but merely recommended a different distribution of it. He certainly objected to leaving the disposal of their property to the persons proposed by the hon. and learned Gentleman. He would not object to intrust the power to the Judges of Assize; but he would not consent to rely upon the discretion of the Magistrates at Quarter Sessions. The Judges were above suspicion from their situation, and in consequence of the eyes of the public being constantly upon them; but this was not the case with the Magistrates. The Bill would not do away with the forfeiture, but only proposed a different appropriation of the property forfeited. The principle, that there should be no forfeiture on conviction he thought was good, as the present state of the law led to an inequality in the punishment. He thought that it would be much better to have a Bill in a single clause, stating that there should be no forfeiture, than adopt the measure of the hon. and learned Gentleman.

Mr. *O'Connell* hoped that his hon. friend, the member for Bath, would not persist in his objections to the second reading of the Bill, as it might be greatly amended in Committee. It was generally admitted, that it was desirable to alter the law respecting the forfeiture of felons' property, as it at present led to the infliction of unequal punishments. He had no hesitation in saying, that the law on that and some other points, was in a most anomalous state. In all other countries, a man on conviction had to pay the charge of his trial out of any property he might have; but in this country, the charge fell on the county-rate, and thus the expense of the trial had to be paid by innocent persons. He would have the property of criminals got at in all cases, whether in their own possession or in the hands of trustees. From such property the expenses of the trial and the cost of maintaining the prisoner should be deducted, and the residue should go to his family, or be returned on his discharge. He (Mr. O'Connell) admitted, that the machinery of the Bill was objectionable, but he thought that it might be amended in Committee. He should prefer a wholesale amendment of the law; he would have the law in such a state that every man could readily understand it; but if he could not get a code, he would get the next best thing, namely, an amendment of the law in detail, to as great an extent as possible.

Mr. *Wynn* regretted very much, that, when Bills like that under consideration were brought forward, the law advisers of the Crown were not present. He regretted that they could not have the attendance of one of those learned gentlemen, but surely the other ought to have been present. In consequence of making such constant changes in the detail of the Criminal-laws many difficulties had arisen. It, therefore, was desirable that great caution should be used. It was easy to say, that this or that part of the law was defective and wrong; but the difficulty was in finding an adequate remedy. The whole of the Criminal-law was under the revision of a Commission; and it would be much better to wait for a general measure than proceed by detail. If there was any probability of such a measure being brought forward during the present Session, he would recommend the hon. Member to withdraw his Bill. At any rate, this measure appeared to him to require a great deal of consideration.

Sir *Samuel Whalley* did not think, that the forfeiture of a criminal's property should be made a part of the punishment. The property, in the first place, should be like that of a bankrupt's; and should be made to go, as far as possible, in compensation of the wrong done. He thought, that compensation should be given to others besides the prosecutor; for if that limited principle were acted upon in cases similar to that of Fauntleroy, where many persons were cheated, great injustice would be done. He supported the second reading of the Bill.

Mr. *Aglionby* fully agreed with hon. Members, that the Bill should be allowed to go before a Committee; but he was decidedly opposed to the proposition of the hon. member for Marylebone, for placing felons' and bankrupts' property upon the same footing, inasmuch as it would be an inducement for prosecutors to press evidence, in order to secure a conviction. Forfeitures were relics of the feudal times, when escheats went to the lord, and should not be tolerated at the present day. He trusted to see them no longer disgracing our Criminal Code.

Mr. *Hughes Hughes*, seeing there was no intention of opposing the second reading of this important Bill, which should have his best support, would only make one remark, or rather suggestion, to the hon. and learned member for Knaresborough, by whom it was introduced;—whether, after the various opinions he had heard expressed by hon. Members on the details of his Bill, it would not be better that it should be referred to a Select Committee above stairs than be committed to a Committee of the whole House, in which a matter of such nice detail could not be so well considered?

The Bill was read a second time.

CAPITAL PUNISHMENTS.] Mr. *Ewart*, pursuant to his notice, moved for leave to bring in "a Bill for abolishing capital punishment in cases of letter-stealing, and returning from transportation, and in certain cases of burglary." The hon. Member said, that within the last few years the punishment of death had been taken away from seven offences which theretofore were capital: much of this was owing to the great and praiseworthy exertions of the right hon. Baronet, the member for Tamworth. By returns which had been laid before the House, since that change had been made in the law, the number of commitments for those offences in London and Middlesex had decreased, as compared with the same length of time before the change, and the number of convictions and punishments had increased, as compared with the number of commitments. This was perfectly in accordance with all that experience had shown of the statistics of crime,—that where the extreme severity of punishment had been changed for a milder, but more certain punishment, crime had decreased. There was no reason why it should not be so in the cases of the crimes to which his Motion referred, in all of which he thought the punishment of death much too great for the crime. It might be said, in objection to his Motion, that they ought to wait to ascertain what would be the Report of the Commissioners who had been appointed to consider the state of the Criminal-law; but he thought that might be too long; but, at all events, he did not think, whatever might be the nature of that report, it ought to affect a case of this kind. Our Criminal-law had heretofore the character of being unchristian, inhuman, and, in many instances, barbarous in its punishments. Much of that had been removed; but much still remained; and the cases to which his Motion referred were of that class in which the severity of capital punishment ought to be removed.

Mr. Aglionby seconded the Motion.

Lord *Howick* was unwilling to offer opposition to a Motion of this kind, but he did hope, that when the hon. Member considered the circumstances, he would consent to withdraw his Motion. The hon. Member had adverted to the Commission now occupied on the state of our Criminal-law. The Report of that Commission might soon be expected; and he would ask, whether, under these circumstances, the House would proceed to legislate on a portion of the Criminal-law until they had the advantage of the inquiries now going on? He would admit, that the offences to which the hon. Gentleman's Motion related ought not to be punished with death; and, in fact, no such punishment was now inflicted for them. He believed the hon. Member could not name one instance, of late years, in which the punishment of death had been inflicted for any of those offences. On the ground of humanity, therefore, there was no urgency in the present case, for there was no fear that any life would be sacrificed under the present state of the law from any delay of the proposed Bill. There was another Motion for another change of the law, which stood for some day after the recess; so that it appeared they were not to wait for that report, which would assist their deliberations, but were to go on thus to amend the law in detached parts. He did hope, that the hon. Member would wait for the result of the inquiry now going on. He did not ask him to abandon his Bill, or to put it off indefinitely, but to wait for the Report of the Commissioners, which could not now be long delayed.

Mr. *Lennard* was surprised to hear the noble Lord say, that no capital punishment had been inflicted for any of the offences alluded to for some years, for he believed that, in the very last year, one person had suffered death for stealing a letter. He thought that those hon. Members who brought forward measures of this kind were hardly dealt with. When a Motion was brought forward, as in the case of the late Sir James Macintosh, to effect considerable alterations in the Criminal-law, he was told, that that was wholesale legislation,—that in such cases the House ought to proceed with caution, and go to alterations in detail; but now, when hon. Gentlemen came to individual cases, they were told to wait for a Report which might recommend a general revision of our code. This was hard upon those gentlemen, who only undertook this trouble as the Government had delayed what the public expected they would turn their minds to,—a total revision of the Criminal-law. He agreed, that the offence of stealing a letter ought not to be visited with capital punishment; and as to returning from transportation, he thought, that to punish that offence with death was, beyond all measure, too severe; and the more particularly, as no distinction was made as to the offences for which the parties had been transported, whether it was only one for which transportation was the highest punishment, or one the more heavy punishment attached to which had been commuted for transportation.

Mr. *Spring Rice* observed, that they had reason to be greatly obliged to the right hon. member for Tamworth, for the great improvements which he had been the means of effecting in the Criminal-law; but it was rather hard, that the whole merit of the changes which had taken place should be transferred to that right hon. Baronet, when, as the House must recollect, so much of what he did had its origin amongst men whose political principles were the same as those of the present Administration. Did they forget the labours of Sir James Macintosh and others in the great work of ameliorating our criminal jurisprudence? Then it was not to be forgotten, that the improvements most sought after were actually those which the present Government had themselves introduced within the short period which elapsed since their accession to office;—for example, the law relating to forgery had undergone a most salutary change; and the laws relating to the coin had been under the consideration of the present Lord Chief Justice of the Court of King's Bench, while Attorney-General; and efforts were being made, and to some extent had been made with success, to place them upon a footing of simplicity, clearness, and certainty. Thus much he thought it necessary to say, in defence of those to whom some portion of the improvement ought, in fairness, to be attributed, though a disposition to do otherwise had, in the course of the present discussion, appeared to prevail. As to the present Motion, he must beg to observe, that the House ought to proceed most cautiously, lest, by carrying individual alterations too far, and getting beyond the length which the state of public feeling warranted, they might endanger important principles by producing a re-action.

Mr. *Philip Howard* said, in a commercial country, the security of the conveyance of letters, was one of great moment. Considering the amount of property transmitted through the medium of the Post-office, the breach of trust, and difficulty of detection, great caution should be observed, and no light penalties inflicted upon those depredators who usually plundered the letters of the poor—the hard-earned savings of the widow and the orphan; because the wily villains well knew that the needy and unprotected could with difficulty recover the loss, or prosecute to conviction. From the loss of letters, cases of intense misery had occurred; and when the House considered, that many charitable institutions mainly owed their support to remittances sent in letters, it would be felt humanity was not merely on one side. To repeal the present law, without the substitution of rigorous penalties, would not be a public benefit.

Mr. *Hughes Hughes* said, he was happy to inform the House, and it would be highly satisfactory to the friends of humanity throughout the country to learn, that, such was the growing repugnance to the punishment of death, and such its diminution consequent upon that feeling, and upon legislative enactments, that the Corporation of the City of London had felt at liberty to discharge, as unnecessary, one of the two salaried executioners, whom, for a number of years they had been in the habit of retaining in their service. He trusted, indeed, that the effect of the present, and of similar humane propositions, which he heartily supported, would be, shortly, to render unnecessary the other of those personages as a regular servant of the Corporation; and that only occasional resort would be had to the services of such an officer of justice.

Motion agreed to.

BUCKINGHAM BOROUGH — REFORM ACT.] Sir *Harry Verney* presented a petition from the borough of Buckingham, complaining, that a noble proprietor of land included in the present limits of the borough had erected buildings of small value since the Reform Act, whereby he had obtained a command over a considerable number of votes. The hon. Baronet observed, that if a large landed proprietor possessing, as in this instance, 5,000 acres out of 18,000, could, under the Reform Act, erect tenements of small value in a borough, for the purpose of obtaining a command over votes, he would be enabled to swamp the place, and reduce it to a nomination borough. The hon. Baronet read some questions put by the revising barristers, and the answers, to show that the buildings were not necessary, and were erected for no other purpose than to confer votes.

Sir *Thomas Fremantle* said, that the evil complained of by the petitioners, who had been advocates for the Reform Bill, with which they were now dissatisfied, had arisen from seven large agricultural parishes having been added to the borough. No doubt buildings had been erected in some few instances, for the purpose of creating votes; but if that had been done on one side, it might be done on the other. If only five or six such buildings had been erected by a person possessing 5,000 acres of land, the evil could not be very great. He did not think it requisite to enter into the merits of the case.

Mr. *Tennyson* said, that he had always protested against that part of the Reform Bill, which added considerable districts to the smaller towns. It was evident, that the effect of such an arrangement must be to overwhelm the towns with the constituency of the neighbouring districts. In his opinion, in every case in which there could not be found in the borough a sufficient number to form a town constituency, the borough so deficient ought to have been put into Schedule A. In the case now before the House, it appeared, that there were 18,000 acres in the immediate neighbourhood of Buckingham that belonged to a noble Duke, against whom it was alleged that he had caused certain buildings to be erected on this his property, for the purpose of creating votes. That such advantages would be taken might have been expected. He had no doubt it would be discovered, that this was a practice which had been resorted to to a very great extent throughout the country. He might even say, that the Reform Bill, by adding the large districts to the towns, intended such an increase of the constituency. What other effect could it be said to contemplate, when, according to its provisions, the erection of any cow-house, or other ignoble building, on property of a certain value, would give the occupier the qualification necessary to constitute him an elector? The effect of the Bill was an increase of the constituency precisely in the way described by the hon. Baronet (Sir Thomas Fremantle); if one individual made votes on the one side, no doubt some other individual would also make votes on the contrary side. He, however, begged to observe, that he could not be furnished with a better argument than that which arose out of the practice now complained of, in support of the proposition, which it was his intention shortly to submit to the House; and he trusted, that when the time came for him to make his Motion, that it would receive the support of the hon. Baronet (Sir Harry Verney) on the other side of the House, who complained of the creation of a dependent constituency. The Reform Bill was to his mind far from effecting all that it ought; and many who were its supporters compromised their opinions, anxious to secure a measure from which, at all events, a great deal of good was naturally expected. He, with such a view, had, he must declare, compromised his opinions with regard to the voters' qualification; that of scot-and-lot appearing to him to be the simplest, and the freest from objection. He was formerly opposed to the Ballot, but more recent experience had made a convert of him to the principle of Ballot; and he had reason to believe, that he was but one of many others who had been similarly converted.

Mr. *Henry L. Bulwer* really did not see how the House could possibly interfere, by way of enactment, to prevent persons from erecting buildings upon their land. The only way in which the House could counteract the evil of a creation of dependent constituencies was, by passing a measure to establish the Vote by Ballot. This was the sure method of getting rid of all the improperly preponderating influences.

Colonel *Evans* admitted, that the mere fact of building houses on property was what could not be objected to; but the building of houses for the express purpose of creating votes was as certainly a deviation from the object and spirit of the Reform Bill, and a revival, to that extent, of a species of the ancient corruption. The object of the Reform Act was to prevent the building of houses, for the purpose of overcoming the free and open constituencies. If they took a large district; and in that district found a great landed possessor, who seized the opportunity, by creating votes, of outnumbering the independent voters, and thus of increasing his own political weight and importance, such a course was evidently a counteraction of the intention of the Legislature. This petition he held to be a very important one. It was the first, he dared to say, of several that would be brought before the House on similar grounds. He was sure the House would feel, that it was very desirable to correct the defect complained of with so much justice. In many cases, the addition of a large district, in which one or two individuals had considerable possessions, to the town constituencies, had been attended with the most injurious consequences. The borough for which he had formerly been returned (Rye) used to be an open borough; had it not been, he would never have been its Member, for he possessed no influence there derived from property; but six or seven parishes having been added to the town by the Reform Act, it ceased to be free, as it was previously; and he had, consequently, been sent to the right-about. He repeated, that the only effectual mode of counteracting such improper influences was to apply the Ballot.

Petition to lie on the Table.

TRADES' UNIONS—DORCHESTER LABOURERS.] Mr. *Hughes Hughes* said, he was charged to present to the House a petition bearing the signatures of 1,563 of his constituents, inhabitants and house-holders of the city of Oxford. The petitioners stated, that in all well-regulated Governments one of the first duties to the governed is to endeavour to apportion all punishments as near as possible to the extent of the crimes committed; that they could not help feeling that, in the late trial at Dorchester, of the six agricultural labourers for administering a certain unlawful oath and engagements, of which they were found guilty, the sentence was excessively severe, particularly when the petitioners took into consideration the probability of their ignorance of violating the laws, and their disclaimer in one of the following rules produced on their trial —namely, "That no person should be admitted to their meetings when drunk; that no obscene songs or toasts should be allowed; and that they should not countenance any violence, or violation of the laws of the realm,"—and, more especially when the petitioners bore in mind that they themselves were open, through ignorance, to a similar charge, by initiations into 'Masonic,' 'Druids,' or 'Odd Fellows' Lodges; that the petitioners most ardently desired, that men professing so much morality should not be consigned to associate, for a period of seven years, with others who were transported for crimes of the most infamous and disgusting complexion; and they therefore prayed the House to address the Crown to deign to review this terrible sentence, with a view, as far as justice would allow, to soften what appeared to the petitioners a sentence too rigorous and too severe. The hon. Member begged to observe, that the city of Oxford, containing a population of nearly 20,000, did not now, nor ever did, contain a single, political or Trades' Union; that, during the progress of the several measures of Parliamentary Reform, its inhabitants did not hold one public meeting on the subject; they did not "agitate," as it was called, but left the matter to their Representatives, and to the wisdom of Parliament; they were not, therefore, by any means, to be regarded as men of extreme opinions, or violent politics; and he submitted to the House, that on these accounts their petition was entitled to the greater consideration. Another circumstance attending this petition should also be mentioned: it was not the result of a public meeting, at which the passions of the petitioners had been inflamed; but was the consequence of a handbill, couched in moderate language, and which he would read to the House. It was dated yesterday, and addressed "To the inhabitants of the city of Oxford. A petition, to the House of Commons, will lie (for this day only) at Mr. Grinstead's, grocer, Queen-street, for signatures, from nine in the morning, till eight in the evening, for the purpose of mitigating the punishment of six agricultural labourers, who have received at Dorchester the severe sentence of seven years' transportation, for administering what is termed an illegal oath, for the mutual protection of their conceived rights." Such were the circumstances under which, in the course of eleven hours, this petition had been signed by 1,563 individuals, many of whom he knew to be most respectable tradesmen. He would make another observation, which he thought of some consequence. He had remarked, that recently the Judges had adopted a practice of assigning punishment to offenders, not so much in proportion to the greater or less enormity of the crime of which they had been convicted, as to the policy which might appear to them of making an example at the moment. This, which he thought an objectionable, because unfair, mode of proceeding, had no doubt been adopted by the learned Baron on the occasion in question. He felt persuaded, that this petition was only one of a series of applications which would be presented to the House on this subject; indeed, he said so after communications to that effect from several hon. Members. He moved, that the petition be brought up.

Mr. *Henry L. Bulwer*, in the absence of the Secretary for the Home Department, begged leave to ask the right hon. Baronet, the First Lord of the Admiralty, whether there existed on the part of his Majesty's Government any intention to adopt measures for inducing a mitigation of the punishment awarded to those persons by the sentence passed by the noble Baron who had tried the offenders? The Act, which was passed during the French revolution, for the suppression of societies, did not, he apprehended, bear upon the present case. The prisoners had been sentenced under an Act which did not meet instances similar to that to which the petition referred. He should think it would be much better that the Act which applied to the suppression of unlawful societies should be better defined; because it appeared that in this case it took the learned Judge two days to consider whether he could pass sentence upon the accused. He availed himself of this opportunity to state, that it was his intention to move for leave to bring in a Bill to amend the existing Act. He wished, however, on the present occasion, to ask the right hon. Baronet whether it was the intention of his Majesty's Ministers to recommend a mitigation of the punishment in this case?

Sir *James Graham* said, he was not able to give the hon. Gentleman any such assurance, as the matter was one which did not fall within the duties of his office. But he did not believe, as at present advised, that it was the intention of his Majesty's Ministers to recommend to his Majesty a mitigation of the punishment to which those persons had been sentenced.

Mr. *Hardy* hoped, that it never would be the intention of the Ministers to advise the Crown to grant a mitigation of the sentence in this case. He was not surprised that this petition should have emanated from Oxford, if it were true, as had been stated by the hon. Gentleman, that the petitioners knew nothing of Trades' Unions; because, if they had known anything about them, he was convinced no such petition would have been forwarded by them. Of all curses, that of the Trades' Unions was the most abominable —not merely as affecting the masters, but more especially the poor unfortunate people who were compelled to join these unions. He had witnessed, in too many instances, the lamentable effects produced on those unfortunate persons who were compelled, by a system of the most horrible tyranny, to join unions of this description. He had known cases where parties were called upon to subscribe sums of money previous to their becoming members; and, if one-fifth part of the money thus spent were exacted by the Government, these very parties would at once have denounced such a tax as one of the most tyrannical nature. And yet men who might be earning 15*s.* per week, contributed 5*s.* out of that amount of wages per week under the compulsion of the Trades' Unions—unions which were governed by a small number of persons, who were, too, delegated from place to place in a way with which the members were unacquainted; and then, for the purposes of secrecy, and with a view to secure themselves, these few parties administered oaths to those who became members, in order to prevent them from bringing those parties to justice. He himself had had a communication from a Trades' Union at Barnard Castle, in Durham (a place with which he was wholly unconnected), and these persons asked him such and such questions, whether such and such a thing could be done without an infringement of the law. Now it was obvious that these individuals were actuated by the same views as those which had been entertained by the men who had been tried in Dorsetshire. Their object, no doubt, was to compel persons to join the Trades' Unions. He had told these men, in reply to their queries, that every man was at liberty to sell his labour at the highest price he could obtain for it; that every man was at liberty also to consult with others upon the best and fairest means which could be adopted to induce the masters to give better prices, and that they were to do this by every peaceable means. But what was the operation of the present system? Why, it was obviously the object of these parties to compel men, not only of their own, but of other trades also, to join these unions. The Trades' Unions were existing not in one part of the kingdom only, but they were extended to every town and place. The masons, for instance, contributed to a fund with a view to induce the carpenters to strike for the purpose of compelling the masters in their trade to give higher wages; and this system actually pervaded the whole kingdom. One trade struck at one time, and another a little time after, and thus, as in the case of the coopers lately, a strike was made without there being any foundation or reason for the wages being raised. In many cases, too, the journeymen who received better wages than ever they had received before were the first to spread these Unions. With regard to the learned Baron who had tried these men, he was satisfied that no man, who knew that learned Baron's liberal principles and general character, would not feel convinced that he would do everything to protect the accused; no man could be more disposed to this than the learned Baron. But the law compelled the learned Baron to act as he had done; and, for his own part, he was glad that such a construction had been put upon the law. He was quite sure, that if the Judge had not put such construction upon the existing law, the hon. Gentleman opposite, instead of bringing in a Bill to allow of Trades' Unions, would have introduced a law to put an end to the administering of illegal oaths. He was satisfied that the learned Baron had felt it his duty to make an example of these parties, because he thought it necessary to show the community at large that such practices were not to be tolerated. He hoped the House would never accede to the prayer of the petition.

Mr. *Henry L. Bulwer* explained. His object was, not to encourage these proceedings, but, looking to the uncertainty of the existing law, to bring in a Bill to amend and define that law.

Mr. *Rotch* could not refrain from expressing to the House his deep regret that such petitions as that before the House should be supported, the effect produced being only to multiply and aggravate the evil which existed. That this petition had been got up in a moment of popular feeling (he would almost venture to say of popular phrenzy) he could not doubt; especially when he looked to who was the Judge upon the occasion, and that the decision upon the sentence took two days' consideration. As he (Mr. Rotch) was well aware of the wretchedness which was caused by these unions (but which were disunions); and as he derived his information from various sources, he would merely observe—having heard the statement of the hon. Gentleman opposite—that he would, on a future occasion, move for leave to bring in a Bill to prevent Trades' Unions.

Mr. *Warburton* said, it was not his wish or intention at that moment to discuss the policy or legality of Trades' Unions. The question, however, which he begged to ask, in favour of these accused persons, was whether, previous to the interpretation of the Act by the learned Judge, the law was so clear that a man might and ought to know whether, if he committed such an offence as that committed by these persons, he could be sentenced, under that law, to transportation? What was the difference, then, between a law which was not defined, and the law of Caligula, which was written in such small characters that few could read it? It appeared that, in the instance then under their consideration, it had taken the learned Judge two days to weigh the question, in respect to the punishment to be awarded. Was not this at least an admission that the law was so obscure that it required a Judge to ponder over it for two days? How, then, could a poor agricultural labourer know whether he infringed the law or not? He did not agree in the principle which had been laid down by the hon. member for Oxford, that they were not to consider the efficacy of example, because that was the principle upon which every sentence was founded. What he contended for was, that if the law was not clear, they should not visit these parties with a severe punishment in a case where a forced construction was put upon the law. He would maintain, that the law was not clear; and, however expedient it might be to introduce a Bill to put down Trades' Unions, &c., such measures were greatly prejudicial to the free intercourse of labour.

Sir *James Graham* trusted that, after what had fallen from the hon. member for Bridport, he might be allowed to offer a word or two in explanation, as that hon. Gentleman had, he was persuaded, quite unintentionally, mis-stated a fact. It had been stated by the hon. member for Bridport, and by the hon. Gentleman who preceded him, that it had taken the learned Judge two days to consider whether the law applied to this case or not. Now as he (Sir James Graham) was informed, the learned Baron stated fully, after the investigation had been gone into and when he summed up his charge to the Jury, that the statute in question did apply. He said this without any hesitation upon the subject; but he did that which, as a merciful Judge, he was bound to do—after laying down the law to the Jury in his charge; the Jury, having heard the facts of the case, and the law as described by the Judge, found a verdict of guilty against the prisoners, without hesitation; the learned Baron did not hesitate as to the application of the law, but with regard to the extent of mercy which might be shown in respect to the punishment of an offence which at the present period was one of great importance. He certainly should be sorry that anything which passed in that House should prejudice the question; and he was bound to say, that, looking at the circumstances of the country in regard to this subject, agreeing as he did in the opinion which had been expressed by the hon. member for Bridport, that punishments were not inflicted merely as carrying with them vengeance against the offender, but in order to make an example which should induce men to reflect and turn away from similar crimes, and thinking with the hon. member for Bridport, that this was the object of punishments, he was bound to say, as at present advised (and he did not see such a necessity), that no ground existed to induce the Government to advise the Crown to mitigate the sentence which had been passed in this instance.

Colonel *Evans* condemned the indiscriminate denunciation of Trades' Unions. Such indiscriminate denunciations were not justifiable in that House or elsewhere. He thought that trades had a right to unite for their mutual benefit; but it was proper also, that that right should be placed within certain restrictions. He must, for his own part, confess, that to him the alarm which had been expressed by some hon. Members, with reference to Trades' Unions, was greatly exaggerated.

Mr. *Shaw* said, no hon. Member who had preceded him could deprecate more strongly than he would any course tending to the encouragement of Trades' Unions; yet he thought there was a still stronger objection to the petition, as interfering with the independence of judgment in the Judges, and the prerogative of mercy in the Crown. It was quite competent for the petitioners, if they desired a change in the law, to petition that House in favour of such change; or, if they thought the criminals in question deserving objects of mercy, to petition the Crown on their behalf. He, on a recent occasion, had warned the House, that if they, on light and trivial grounds, entertained complaints of the judicial acts of the Judges, their Table would be crowded with petitions like the present, and that House would be converted into a most inefficient and unsatisfactory court of appeal. He trusted, too, that mercy was not to be administered by the Sovereign through the medium of a popular assembly, but preserved and guarded by the Crown as a prerogative peculiarly its own. On this latter account, he was almost sorry that the right hon. Baronet had even intimated what was likely to be the decision of the Crown in the matter; although his opinion and the right hon. Baronet's, were in complete accordance on the subject.

Mr. *Hughes Hughes*, after what had passed, begged to remind the House that the petition had not been presented at his instance. It was prepared in the course of yesterday, and he had never heard of it till its arrival this morning. After the course he had lately taken in the case of Baron Smith, the House would believe that he would be one of the last persons to encourage petitions of interference with the judicial office. He had seen it his duty to give expression to the views and opinions of so large a body of his constituents, who, it should be remembered, did not uphold or attempt to justify the conduct of these men, but only expressed a calm and temperate opinion, that the punishment awarded to them was disproportioned to their offence.

The Petition to lie on the Table.

The House adjourned for the Easter Holidays till April 14th.

HOUSE OF LORDS,

Monday, April 14, 1834.

Minutes.] Petitions presented. By Earl Grey, from the High Sheriff and Grand Jury of Tipperary, against the Repeal of the Union; and from Glasgow &c., against the present System of Church Patronage in Scotland.—By the Earl of Rosebery, from Stirling, and other Places, to the same effect.—By the Earl of Haddington, from the Presbytery of St. Andrew's, against any Alteration in the present System of Church Patronage in Scotland.—By the Earl of Rosebery, Lord Suffield, and Lord Bexley, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of Carlisle, from the Hand-Loom Weavers of Cockermouth, for a Board of Trade, and for Relief.—By the Duke of Richmond, from Bramford and Warnham, for Renewing and Extending the Labour-Rate Act.—By the Duke of Wellington, from a Number of Places, for Relief to the Agricultural Interest.—By the same, and by the Earl of Westmoreland, from several Places, for Protection to the Established Church.

HOUSE OF COMMONS,

Monday, April 14, 1834.

Minutes.] New Writ ordered. On the Motion of Mr. Charles Wood, for Perthshire, in the Room of the Earl of Ormelie, now Marquess of Breadalbane.

Bill. Read a second time:—Clerk of the Pipe (Scotland).

Petitions presented. By Sir John Wrottesley, from the Friendly Benefit Societies of Wolverhampton, for the Amendment of the Friendly Societies Act.—By Lords Morpeth and Palmerston, from several Bodies of Dissenters,—for Relief.—By Mr. O'Connell, from several Places,—for the Repeal of the Union, and against Tithes.—By Sir Charles Burrell, Mr. Miles, and Lord Morpeth, from several Places,—for the Better Observance of the Sabbath.—By Lord Charles Russell, from Watford, for the Establishment of Local Courts.—By Mr. Miles, from a Number of Places, for Relief to the Agricultural interest.—By Mr. Christmas, from Waterford, for the Reciprocity of Duties Act; and from the same Place, against the Repeal of the Union.

Trades' Unions.—The Dorchester Labourers.] Mr. *Craven Berkeley* presented a Petition from the inhabitants of Cheltenham, numerously signed, praying that the House would present an Address to his Majesty, to mitigate the punishment of the Dorchester agriculturists for administering unlawful oaths. He did not feel it necessary to enter into the subject, as the men to whom it related had already left the country.

Mr. *Ruthven* said, that it was very hard that men should be punished for a crime which they had ignorantly committed. He thought that conciliatory measures would be much more effectual in suppressing the Unions than such severe measures as had been adopted with respect to the Dorsetshire Unionists. He hoped his Majesty's Ministers would take the case of these unfortunate men into consideration.

Mr. *Hardy* had been represented as entertaining an opinion unfavourable to Trades' Unions; but he had stated, as strongly as he could, that he saw no objection to workmen entering into a combination to better their condition by refusing to work under certain wages. He added, that it could not be endured in any country governed by law, that they should compel others, by intimidation and force of arms, as it were, to join them. In 1832, a murder was committed near the town he represented, because a person did not obey the orders of the Union; and although fourteen or fifteen persons were concerned, no discovery of the perpetrators had yet been made, those who it was thought could give information, being afraid to do so. This was the kind of conduct that could not be suffered. At the same time, that he maintained the right of the workmen to associate to benefit their condition, he must say, that he did not think the Unions had done them much good; and those which had been conducted upon the same principle as that at Exeter and some others, had been the ruin of the workmen, who were deluded by the Committee-men and Treasurer into keeping up an agitation by which they profited.

Sir *Charles Burrell* contended, that the friends of liberty who upheld the Trades' Unions, who obliged men to leave their employers when they pleased, were acting most unwisely; could there be a greater tyranny than to force men to leave their masters and join bodies that were collecting funds for illegal purposes? It was monstrous that such bodies should be allowed to continue to have such a power as that to which he had adverted.

Major *Beauclerk* thought Trades' and other Unions were founded in justice, and, it was because he felt so, that he gave them his support. At the same time, he admitted, that nothing could be more unwise, or, indeed, more unjust, than that any Union should act in the way stated by the hon. Baronet. He regretted to find that there were some misguided men belonging to the Trades' Unions; but was that a reason why they should be suppressed altogether? Were there no such things as unions of gentlemen to put down paupers and poachers? He had seen many a poor wretch banished from his home for taking a single hare, by the unions of country gentlemen. Let the gentlemen of the country show, by their conduct, that their feelings were identified with the well-being of the people, and they would find, that the people would not be joining Unions of any kind. He trusted that the Unions would act for their own welfare, without, in any way, interfering with those who might differ from them.

Mr. *Baines* had the pleasure to state, that since the conviction at Dorchester, the members of the Trades' Unions had desisted from taking oaths of any kind. While referring to this subject, he could not but observe, that he thought the present Administration would have acted wisely and well, if they had extended mercy towards the Dorchester prisoners. He admitted, that it was criminal, in any man, to force another to take an oath by which he would oblige that other to leave his employer; but still, he thought, there were such features in the Dorchester case as might have induced the Government to visit the prisoners with a milder punishment than had been pronounced upon them; care being taken, at the same time, to intimate that, should there be a recurrence of the offence, the severer punishment would be applied to those who should be guilty of it. The persons who had committed the crime having been, in a certain degree, unacquainted with its extent, and certainly ignorant of the punishment to which it led, it would have been received as an act of favour by the labourers of England, if they had not been punished so severely. He hoped, even yet, it was not too late to recall them; not that he meant to say, that their punishment should be altogether remitted. He believed the Trades' Unions were beginning to be conscious of the risk they were running by interfering with the free exercise of the labour of their fellow-workmen, and in administering illegal oaths to anybody connected with their associations.

Mr. *O'Connell* hoped the hon. Member who presented the petition from Cheltenham would not stop there, but would follow it up by moving an address to his Majesty. He said this, without having any doubt upon the law—without having any doubt of the case coming within the law, or of the Judge who decided the case being bound to decide it as he did. The recital of the statute related to one particular species of offence; yet the enacting clauses contained the one in question—that of administering an oath not to disclose or give evidence against any confederate in the association. It was a slumbering statute, and had not been carried into effect against many associations who took that oath. The Freemasons came within the statute. They swore not to disclose against any person what occurred in their lodges. The Orange Lodges, too, came under the Act. It was said, that many illustrious persons in this country were at the head of the Orange Lodges, and nobody had thought of prosecuting them. This statute was allowed to slumber from the year 1797, and only now raked up to inflict an enormous punishment on unfortunate men who were wholly ignorant of its existence, and innocent of any moral offence. In proportion, then, to their innocence from moral offence, should the Government mitigate this unjust sentence. Why did the Government rake up this slumbering statute, and, by its application, tear from the bosoms of their families, and banish as criminals from the land, those wretched men? Why, to strike a terror, it seemed, into the breasts of the Trades' Unionists, whose power they deemed to be too formidable. And why, when the country called aloud for a mitigation of this enormous punishment, did the Government lend a deaf ear to the appeal? Because, it seemed, the Government would not yield to intimidation. Was it because some strong language was used at the public meetings in London, the Government refused to mitigate the sentence? Why, if the Government acted justly, should it have anything to fear from the Trades' Unions, or from those persons who expressed themselves, in forcible language, against the gross injustice of this sentence? The Government had nothing to fear from any portion of the community, if its course were that of justice. He trusted the House would interfere and procure a mitigation of this, he would say, atrocious sentence. Was it not manifest that those wretched men did not intend to violate the law? and was it not disgraceful to lay a trap for them; and then, when it had caught them? ignorant and morally innocent as they were, to inflict on them the heaviest punishment which was inflicted on guilt of the deepest die? It was said, that Trades' Unions had arrived at a formidable point, and that it was necessary to put a stop to them. He was of opinion, that the Trades' Unions had no more right to tyrannize than had the Emperor Nicholas, or any other tyrant who might be equally ferocious. If, however, they only associated for the purpose of raising the wages of labour, and did not interfere with those who chose to accept lower wages, he did not think that they were acting illegally. But if they tyranranised over and compelled others to enter into their views, he contended that there were laws of sufficient power to punish and prevent such tyranny without recurring to a statute enacted for an entirely different purpose, and which had become a dead letter, and been allowed to slumber in oblivion, until raked up for the avowed purpose of punishing these men. The Government had no need to resort to other laws than those in common use. Again, the Trades' Unions, it was said, sent delegates round the country. Supposing that to be the case, there was a law in existence to suppress them. By that law no permanent body could send delegates, though a public meeting or any other body, *pro re nata*, as it was called. Why, then, not carry that law into effect, if necessary? There were abundance of means of neutralising any evil effects contemplated by the Unions; and justice could be had on all delinquents against the law. But that justice should be tempered with mercy, and punishment should be inflicted for the suppression of, and not as an incentive to, crime. He thought it his duty to make these few observations, as he considered the extension of the democratic principle the only mode of increasing effectually the happiness of mankind. At the same time that he advocated this extension, he deprecated all interference with property, and all violation of the law, openly or in secret.

Colonel *Perceval* begged leave to say, that no oaths were now taken by Orangemen. As an Orangeman himself, he could state the fact, that no oaths had been taken by him or others since the passing of the Act of Parliament, making it penal.

Mr. *O'Connell* had alluded to the oaths taken by Orangemen previous to the period mentioned by the hon. Member; oaths which required three separate Acts of Parliament to suppress. Besides, an engagement tantamount to an oath brought individuals within the Act.

Mr. *Craven Berkeley* wished to say, after the observations of the hon. member for Dublin, as he had presented the petition, that he thought the case of the Dorchester men was not one fit for the consideration of his Majesty's Ministers.

Colonel *Evans* thought, that the clear statement made by the hon. and learned member for Dublin was sufficient to convince any one that the extreme rigour of the law should not be carried into execution in the case in question. He must remind the House of a revolting case of a child having been lately killed by a severe beating from his master, and for that serious offence only two months' imprisonment was deemed sufficient punishment. He could but consider such discrepancies as greatly injurious to the morals of the people, for the sentence was too lenient in one case, and much too severe in the other.

Mr. *Rotch* quoted, from "The Trades' Union Magazine," a paragraph respecting the use of oaths in that body, because it was useless to bind by an oath which would not be kept; therefore oaths were discarded, not because the law prohibited them, but of their uselessness. He thought it right that the labouring classes should be independent of their employers, and free from any tyrannous power, but meetings and bodies of men assembling should be prevented. He differed from the hon. Gentleman (for Dublin) who said, that the Statute was a slumbering one. It was not—it was acted upon in another case, as could be ascertained by consulting the Reports.

Petition to lie on the Table.

SUPPLY — MISCELLANEOUS ESTIMATES.] The House went into a Committee of Supply.

Mr. *Spring Rice* said, that when in former years it was his duty to introduce the Miscellaneous Estimates to the notice of the House, he had invariably abstained from any preliminary remarks, because he thought that the effect of such discussions was generally to produce confusion, and that the best opportunity for affording whatever explanations might be required was to be found when each separate vote came before the Committee. He was not now going to depart materially from his former practice, but there were one or two facts connected with those Estimates which he thought would prove gratifying to the House, and, therefore, he should briefly call its attention to them. Under the head of "Miscellaneous Estimates," were contained five classes of expenditure the Treasury Estimates for England, Irish Miscellaneous Services, Civil Contingencies, Ordnance Extraordinaries, and Commissariat. He wished to state the result of the reductions effected during the four years that it had been his duty to propose these Estimates. In the present, as compared with the past year, the saving in those Estimates amounted to 234,000*l.*; as compared with 1832, it was 726,000*l.*; and as compared to 1831, it was 1,322,000*l.* Endeavours had been made by the Treasury to limit the contingent or extraordinary votes as far as possible, considering that they might be made matter of estimate. During the last two years there had been no vote for army extraordinaries. The Committee would bear in mind that a saving of 1,322,000*l.* had been effected in three years on a gross estimate of 3,346,000*l.*, a reduction of more than one-third of the whole. The first vote he should propose was a vote that he would take out of the ordinary course, it being one that related to individuals who had a strong claim on the attention of the House; he referred to the vote for the expenses of Revising Barristers under the Reform Act. Those Gentlemen had rendered the services required by the Act, but had not yet been paid their allowances and expenses. The item in question was No. 14, and it exhibited a reduction of 8,000*l.*, as compared with last year's estimate; the expense being then, 30,500*l.*, instead of which it now amounted to 22,500*l.* only.

The vote of 22,500*l.* for allowances and expenses of the Barristers employed in revising lists of voters, &c. under the Act 2nd William 4th, c. 45, was agreed to.

Mr. *Spring Rice* said, that the next vote he should propose was for the cost of two pictures purchased for the use of the nation. The question of a National Gallery was one that had been suggested, and, indeed urged, by the House rather than by the Government. He never recollected a feeling so strongly expressed upon all sides as that which prevailed in favour of establishing a National Gallery. It was recommended by all parties, and received the support of Gentlemen most urgent for economy, and such being the case, Government had acted upon what he regarded as the unanimous wish of the House. During the present year two of the finest Corregios in Europe came within reach of the Treasury, he believed he might say two of the finest pictures in Europe, and Government thought this an opportunity that ought not to be missed. The House might wish to know what steps had been taken by the Government in order to ascertain the value of those pictures; and he was happy, therefore, to have it in his power to state that they were purchased at a most reasonable rate. One single fact, indeed, which he would mention would, he had no doubt, be sufficient to satisfy the House that such was the case. They had distinct evidence to that effect before them on the part of the best judges who had inspected the pictures, and they had also distinct evidence before them that a private individual had several years ago, as mere matter of trade and speculation, offered the sum of 10,000 guineas for the same pictures. The value of those pictures, according to the opinion of the best judges, was 12,000 guineas, and the Government had been able to purchase them for the country for 500 guineas under that sum. He would mention the names of the best qualified judges, who had been selected to value those pictures, as authority for what he now stated, were it not that he was afraid a vote of this kind often produced a debate in that House that was not of a generally useful character. The House having already voted the erection of a National Gallery, he trusted that it would give its cordial assent to a vote of this description for the purchase of two such noble pictures for that gallery. The hon. Gentleman concluded by moving that the sum of 11,550*l.* be granted for the purchase of pictures for the National Gallery, for the year 1834.

Mr. *Warburton* said, that he had no intention to oppose this vote; on the contrary, he entirely agreed in the opinion expressed by his right hon. friend, that if any pictures should be purchased for the National Gallery they should be such as, like the two pictures in this instance, had obtained a high and well-known character throughout Europe. This vote, he must say, met with his cordial concurrence. He would take that opportunity, however, to express a wish that some information should be laid before the House with regard to the arrangements that were to be made with the members of the Royal Academy, as respected the terms on which a certain portion of the new building was to be appropriated for their use. So far from the building now in progress being too extensive for the purposes of a National Gallery, he thought that from the large donations that might from time to time be made to it, the space already appropriated for it, would soon become too small, and that all the ground would be required for it alone. He feared, in fact, that under such circumstances, though the building would be amply sufficient for a National Gallery of pictures of the ancient masters, it would not be sufficient for a gallery for the Royal Academy. He wished, therefore, to know what terms had been made with the Royal Academy, and whether it was to be understood that the space which was to be given to the Royal Academy in the National Gallery would be given up by them, if it should be hereafter wanted for the purposes of the National Gallery itself. He thought that the Government should retain in its hands the power of taking possession of that space of ground hereafter if it should be wanted.

Mr. *Spring Rice* was very glad that his hon. friend (Mr. Warburton) had put that question to him. He trusted that the observations of his hon. friend with respect to the donation of pictures to the gallery would be fulfilled, and that they would not have to look for pictures for their gallery, but a gallery for their pictures. If anything were necessary to justify what had been stated by the hon. member for Bridport, it was the fact that since the last grant for the purchase of pictures there had been given to the nation pictures to the value of upwards of 60,000*l.* If any hon. Gentleman felt a difficulty in voting for the grant, he would refer to the fact, that while private individuals had given pictures to the value of 60,000*l.*, Parliament was only called upon to vote 11,500*l.* He thought that the addition of such pictures to the National Gallery as it was proposed to purchase, might induce other individuals to follow the liberal examples that had been set. His hon. friend (Mr. Warburton) had asked whether any arrangement had been entered into between the Government and the Royal Academy respecting the apartments which it was proposed to grant to the latter body in the building erecting for a National Gallery. An arrangement had been entered into which he supposed his hon. friend would approve of, namely, that the Royal Academy should only obtain the use of the rooms, but that the property of them should rest in the public; and that if the resumption of these apartments became desirable, the Academy should resign them. He was satisfied that the House would agree with him that, so far from the temporary use of these rooms by the Royal Academy being objectionable or inconvenient, it would be attended with advantage, as there would then be the National Gallery composed of pictures of the old masters on the one side, and the Royal Academy exhibition on the other.

Sir *Robert Peel* was anxious to say one word in support of the Royal Academy. He did not dispute the right of the public to take the apartments in question from the Royal Academy, should the number of pictures in the National Gallery be so increased as to render it desirable to do so; but if the Royal Academy were deprived of the apartments in question, the members of that body would have a strong claim for rooms elsewhere. It ought to be recollected that they were to be divested of very valuable rooms which they held at Somerset House, and which were hereafter to be devoted to the public service. So far, therefore, ought there to be a deduction from the estimated expense of the building now erecting; and if the whole of the building should be required for a National Gallery, the least that ought to be done would be, to provide apartments for the Royal Academy in some other public building. He believed that the number of pictures in the National Gallery would be greatly increased by presents, and he trusted that ere long the building would be filled with them. He gave his cordial support to the vote, and believed that nothing would be more hailed by the public than grants of money for such purposes as the present. The public had already gained much by the purchase of pictures for the National Gallery, and he had no doubt that many other valuable presents would be made to it. He happened to have some knowledge of the pictures in question, and he could state that a sum much larger than 11,500*l.* had been offered for them a few years ago. He did not think that it was necessary for him to say anything with respect to the high character of these pictures; it was enough to observe, that Gentlemen possessed of valuable pictures would be proud to exhibit them in a collection in which were such pictures as those it was proposed to purchase.

He would venture to say, that there were hardly twenty pictures of a higher character in the world. By purchasing works of this description, individuals would be induced to make presents to the gallery, which would thus become possessed of a superior collection. With a view to obtain the best information as to their value, the opinions of the artists of the highest character in the country were consulted, as well as those of picture-dealers, and other persons well acquainted with pictures; and, in addition, he happened to know that if the purchase had not been made when it was, not many months would have elapsed before the pictures would have been sent out of the country. He most cordially concurred in the vote, and nothing could be more satisfactory to his mind than the liberal spirit that had been displayed by the House and the Government on the occasion.

Mr. *Ewart* was anxious to know what was the title under which the Royal Academy held the rooms at Somerset House. He admitted that that body had done much for the fine arts in this country; but there was much that was objectionable in the constitution of that body. He was anxious to make some observations with reference to that body, but he thought it would be better to do so when they arrived at the vote for the building the National Gallery. He had, indeed, given notice of a Motion on the subject, and was anxious to bring the matter forward. He did not agree with the right hon. Baronet with respect to the tenure upon which the Royal Academy should hold their rooms; for that body should have them subject to such regulations as had been alluded to by his hon. friend the member for Bridport. If the Royal Academy claimed rooms from the Government for their exhibitions, he thought that it was only just and reasonable that some control should be exercised with reference to their exhibitions. As it was, almost all the pictures were portraits, and in consequence of this, it often happened that historical or poetical works of great merit were excluded from the exhibition. By the present system of exhibiting portraits, our exhibitions were disgraced in the eyes of all Europe. He concurred with the right hon. Baronet with respect to the present vote, but when they came to the vote for the National Gallery he should renew the subject of the Royal Academy.

Sir *Matthew White Ridley* could not let the observations of the hon. member for Liverpool pass without reply. The hon. Member was completely mistaken with respect to the exhibitions of the Royal Academy. No historical or other pictures were excluded from the Royal Academy for the purpose of exhibiting portraits. The hon. Member seemed to think, that there was something unfair in the present mode of receiving the pictures; but such was not the case. The matter was left to a Committee of Royal Academicians, called the Hanging Committee. If they excluded pictures of merit for the purpose of exhibiting portraits, they might have some claim to the title. He believed, however, that nothing could be done with greater impartiality than receiving and placing the pictures in the Royal Academy. Of course it occasionally happened that an artist was dissatisfied with the place in which his picture might be hung; but where the space was confined, it was impossible that all could have equally eligible situations. The Royal Academicians were generally the first artists in the profession, and as vacancies occurred in the body they were filled up by the most eminent artists. With respect to the principle adopted as regarded the exhibition of pictures at the Royal Academy, he believed it was customary to select the best pictures, and to place each as near as possible just above the horizontal line of persons entering the room. Care was also taken to place the other pictures in situations according to their relative merits. The hon. Gentleman complained, that by far the greater portion of the pictures exhibited at the Royal Academy were portraits; but this circumstance did not arise from any fault in the Academy. The public had a greater inclination to portraits than to historical pictures, and the consequence was, that the talents of the artists were directed to the former description of pictures. He was satisfied that if inquiry were made, it would be found that there was no partiality exhibited by the Royal Academy, but that the best works were always placed in the best situations. Undoubtedly they might occasionally hear complaints by an individual artist, that his picture was not hung in a good situation; but it must be obvious to every one, that such complaints were unavoidable. He was happy that the Government had been induced to apply for the grant, and he gave the vote his most cordial support. He could confirm what had been said by his right hon. friend the member for Tamworth, that had not these pictures been secured for the nation at the time when they were, they would have been sent out of the country. He knew, that an agent of the King of Bavaria in this country was authorised to give 1,000*l.* more than they had been purchased for. Pictures like those, would be sought for by all civilized nations; and although they cost apparently large sums, they were inestimable.

Mr. *Ruthven* could not consent that the people of England should be called upon to give 11,500*l.* for the purchase of two pictures. When their constituents were complaining of distress, it was not a time for such a lavish expenditure on works of art, however excellent they might be. When the Army Estimates were before the House, the Government refused to continue the vote to the Military School at Dublin, on the ground, that it was necessary, from the distressed state of the country, to make every practicable saving. They took away the paltry pittance from the orphan of the soldier, and voted the public money for such purposes as the present. He should oppose the vote, and was surprised that it had been so far received with satisfaction.

Mr. *Spring Rice* said, with respect to the observations that the hon. Gentleman had made on the impropriety of having votes like the present, when there was so much distress amongst the labouring classes, he would only repeat the answers that had been made to similar objections when urged on former occasions, namely, that it could be unanswerably proved, that no persons could be more interested than the labouring classes in matters of this nature, by which an improved taste for the fine arts would be spread throughout the country. Similar objections had been made to the purchase of Sir William Hamilton's collection of Etruscan vases; but what was the consequence of purchasing them? Everybody knew, that at least one branch of the manufactures of the country received a great impulse from the purchase of those invaluable remains of antiquity. With respect to the Royal Academy, he wished to observe, that he never intended to say, that if they took the rooms in the National Gallery from the Royal Academy, they were to leave that body without apartments; on the contrary, they must be provided with accommodation elsewhere. The chief object of the building was, that there should be an adequate place as a National Gallery of pictures, and at the same time to afford accommodation to the Royal Academy; but, if it were necessary, the Government would be at liberty to resume the possession of the rooms granted to the Academy.

Mr. *Roebuck* was satisfied that no portion of the community would be more willing that the public money should be voted for the purchase of pictures of great merit, than the labouring classes. He supported the vote, because the money was to be laid out for the public advantage. He was well acquainted with the character of the labouring classes, and he was sure that they would regard with pleasure the purchase of these valuable works of art.

Mr. *Ewart* differed from the hon. member for Dublin (Mr. Ruthven) with respect to this vote. It was one, he was sure, that would meet with the general approval of the people. There was nothing more wanting in this country than a National Gallery for the cultivation of design. He could not agree with the hon. Baronet opposite as to the impartiality of the "Hanging Committee" of the Royal Academy. He would again repeat, that they gave the best places to their own pictures. He thought that it would be desirable to have a copy of the bye-laws of the Royal Academy laid before the House, and it was his intention to move for such copy, if there should be no objection to such production.

Mr. *Roebuck* trusted, that when the National Gallery was opened, it and other similar public institutions would be put under such regulations as not to exclude persons from admission to them because they were in the dress of artisans. Such a regulation existed in several public institutions at present. He trusted that it would be done away with, and that the public would be admitted, as they had a right to be, indiscriminately, to institutions supported by the public money.

Sir *Matthew White Ridley* said, he could bear testimony that such a regulation as that just alluded to, did not prevail in all public institutions. He happened last year to be looking at the pictures in Pall-mall, when two sailors, dressed as usual, came in to view them; on looking at a sea view, with a vessel sailing, one of them expressed his admiration of the picture in rather an emphatic manner, and employing a word which, perhaps, he ought not to repeat in that House, "d—n it," he exclaimed to his comrade, "d—n it, Jack, see how well she sails."

Mr. *O'Connell* suggested, that a couple of hours should be set apart in the afternoon of Sundays, for admitting the people to institutions of this description.

The vote was agreed to, as were several others, without a debate.

On the Question that 8,000*l.* be granted to defray the charge of the new buildings in the British Museum,

Mr. *Warburton* wished to call the attention of the hon. Gentleman to the fact, that the reading-room of the Museum was closed in the evening. Now, a great many individuals were employed the whole of the morning, and the only opportunity they had for reading was in the evening, when the reading-room of the Museum was closed against them. If the object was, as was stated, to prevent the chance of the books being burnt, why not erect a separate room, detached from the main building, and rendered fire-proof, where those persons who were employed in business during the morning, might have an opportunity of reading in the evening? Why, he would ask, should the Museum be closed for a certain period in the long vacation? A worse period for closing it could not be selected, as it happened that it was just the time when foreigners and other persons, who wished to consult rare books, were in the habit of visiting this country. As the Treasury held the purse-strings, it had only to issue its directions to the managers of the Museum, and any alteration that it might suggest would be at once carried into effect.

Mr. *Spring Rice* said, that this question had been discussed before on former occasions, and the effect had been the securing to the public a greater facility of access to the Museum, of which the public had taken every advantage. It would be seen by any person who visited the Museum, that such was the case. Indeed, by inspecting the returns that had been laid before the House, it would be found that an extraordinary number of persons visited the Museum for their gratification and amusement in the course of the year. He would say, that even the number that visited it in a single day was extraordinarily great. As to the hon. Member's suggestion for opening the reading-room in the evening, he was of opinion that it was one that ought not without a great deal of consideration, to be adopted. He was sure that the trustees were anxious to afford every reasonable extent of access to the public. He agreed with his hon. friend, that the long vacation was, of all others, the most inconvenient time for closing the Museum. The matter was one that he had no doubt would meet with the attention of the trustees. The trustees were most anxious for the fullest inquiry into the rules and regulations of the institution. He had seen a notice early in the Session, for a Committee of Inquiry on the subject. He would say, that such a proposition would meet with no opposition from the trustees, for they had no object, and the officers of the institution could have no object, but to make it as useful as possible to the public at large.

The Vote was agreed to.

On the question that 13,000*l.* be granted on account of the expense of erecting a National Gallery,

Mr. *Ewart* was anxious to make a few observations before the Vote was agreed to. A portion of the building proposed to be erected was to be devoted to a gallery of modern art. He agreed that every facility should be given for the exhibition of the pictures of our artists; but he thought, that it behoved the House, before it made a grant for such a purpose, to ascertain that the regulations for the exhibition framed by the Royal Academy were not objectionable. The exhibitions of that Academy had a bad character on the Continent, in consequence of the great number of portraits they always contained. He contended, that at present there was a species of monopoly with the Royal Academicians, as they were entitled to exhibit a certain number of pictures, and they selected the best places for their own works. Many of them exhibited large portraits, which led to the exclusion of works of greater merit. He thought, that it was of importance that greater facilities should be given to the exhibition of paintings of a higher character of art than portraits. He recollected seeing in a German literary paper, a statement of the number of portraits exhibited in England, as compared with the same number annually exhibited in the exhibitions in the various cities of Germany. The statement was made with a view of sneering at the state of the arts in this country. Was it not most ridiculous to see in a public exhibition a large picture exhibiting the features of some dowager Marchioness, or of some—

> "Lord Mount-Coffee-House, the Irish Peer,
> Who killed himself for love—with wine—last year?"

He would not oppose the exhibition of portraits altogether; but it might be done in a much better way than it then was. There ought to be two things regarded in an exhibition of pictures: in the first place, the encouragement of the artists; and, secondly, the diffusion of a taste for the fine arts amongst the people. With these objects in view, they were called upon to give a Gallery for the exhibition of modern works of art. But in such a Gallery the works should be classified. One room should be devoted to historical painting, another to poetical subjects, another to architectural designs, and another to portraits. This was the only way of doing justice to the artist. What could be more objectionable than the way in which the sculpture was exhibited at the Royal Academy? No attempt was made to classify the subjects; and no person could form anything like a just estimate of the merit of the works from seeing them there huddled together. With respect to the other part of the subject, namely, the diffusion of a taste for the fine arts amongst the people, he would only observe, that to attain that object, he thought that it would be desirable to throw open the Royal Academy to the people, instead of charging a shilling, as at present. The exhibition of modern pictures should be free to the public as well as that of ancient pictures. The examination of the one was as much a matter of interest, as that of the other, and, therefore, he could see no reason why, in either case, the payment on admission should not be abolished. The cultivation of the arts was of the utmost importance to the country; he, therefore, was desirous of taking away from the Royal Academy the power of exacting money for admission.

Mr. *Sinclair* could not understand the grounds upon which the hon. member for Liverpool complained of the management of the Royal Academy. Indeed he could not help thinking, that the hon. Gentleman's complaint was groundless, for he never visited the exhibition at that establishment without being inconceivably delighted with the portraits. He did not see why they should not have as prominent a place as any other class of pictures; and certainly the portrait of such a man as the Duke of Wellington was more interesting to the public at large than the portrait of some Burgomaster though painted by Rembrandt, or some cardinal though it were the work of Titian. In his opinion, the Royal Academy conducted the exhibition under their control with the utmost impartiality.

Sir *Robert Inglis* observed, that the pictures exhibited at Somerset House belonged to private artists, and were not the property of the Royal Academy; and such being the case, the charge for admission was perfectly reasonable.

Mr. *Roebuck* said, that British artists had attained a greater excellence in water-colour drawing, than the artists of any other country, and yet the Royal Academy excluded pictures in water colours from the exhibition at Somerset House. This was unjust. He knew of no advantage which the arts had gained from the Royal Academy, and he certainly could not understand why they should be permitted to make a charge for admission to an exhibition that ought to be open to the public.

Mr. *Spring Rice* admitted, that it was true, as the hon. member for Bath had stated, that water-colour drawings were not admissible into the exhibition at Somerset House. The water-colour artists had, however, an exhibition of their own; and as they took money for admission at their doors, he saw no reason why those of the public who visited the exhibition at the Royal Academy should not pay for the gratification afforded to them by the inspection of the works of another class of artists. If there was no such thing as a Royal Academy such exhibitions would, he was satisfied, be supported by voluntary contributions; but when the hon. Member declared the institution to be useless, he surely could not have recollected the lectures of Sir Joshua Reynolds, Mr. Opie, and other eminent individuals connected with it, by whom the arts of painting and sculpture had been promoted, and by whose examples they were now encouraged. He (Mr. Spring Rice) could speak personally to the usefulness of the establishment, having had repeated opportunities of witnessing the kind and fostering care by which the society encouraged the progress of young and deserving artists.

Mr. *Wynn* was surprised to hear the hon. member for Bath make such an assertion as, that the Royal Academy had done nothing to promote the success of the arts. He could know little of the history of that institution, or he never would have hazarded such a declaration. Somerset House was a Royal residence, and the exhibition-rooms, and other apartments occupied by the Society, were granted by the King for the encouragement of the arts, and the success which attended their exertions was beyond all expectation. They had established schools, which could not be looked at without inspiring pride and satisfaction; and he, therefore, felt that it was due to the character of the Royal Academy to say, that under the auspices of that great national institution—for so it was to be regarded—the arts had attained very considerable perfection.

The vote was agreed to, with several others.

On the Motion, that a sum of 2,600*l.* be granted to defray the charge of the salaries and allowances granted to certain Professors in the Universities of Oxford and Cambridge—

Mr. *Roebuck* opposed the vote on the ground that Dissenters were excluded from participating in the advantages of those national establishments.

Mr. *Spring Rice* said, that no individual either in that House or in the country concurred more heartily than he did in the justice of allowing the Dissenters a full participation in the advantages to be derived from a University education; nor was there any one who would co-operate more cordially to procure for them a free admission into the two great national establishments. It was on this very account that he should be unwilling to see the present vote rejected, considering, as he did, that one of the strongest arguments in favour of the concession was, that the State did actually contribute to the support of the Universities.

Mr. *Roebuck* wished to see the Universities thrown open to all classes first, and the grant for the support of the lectures voted after. It might be true, that the payment of the grant by Dissenters was an argument for admitting them to the Universities; but he did not like paying 2,600*l.* for a good argument.

Mr. *George Frederick Young* agreed in the view taken by the right hon. Gentleman, and had no doubt that a short time would see the same privileges of admission to the lectures which prevailed at Cambridge extended to Oxford.

Mr. *Ewart* said, that he wished to see a certain time given, as a sort of *locus penitentiæ*, to the Universities; but, if measures expected by the country from those bodies were not speedily adopted, he trusted that the grant would be taken from the Universities of Oxford and Cambridge, and given to the London University, or some other more liberal institutions.

The Vote agreed to.

On the Question, "That a Sum not exceeding 15,563*l.* be granted to his Majesty, to defray the Charges of the Penitentiary at Millbank—"

Mr. *Spring Rice* in reply to an objection raised by an hon. Member, said the number of prisoners in the Penitentiary was increasing, and would probably increase. With regard to the salaries of the officers belonging to the establishment, an investigation was going on; and if it were found that they were disproportioned to the services performed, there would be every disposition on the part of the Government to reduce them to a proper scale of remuneration.

Mr. *Roebuck* said, that the Penitentiary was a complete failure, that in fact it was nothing more than a prison, and that the system of discipline which was there pursued did not produce any good effects.

Sir *Thomas Fremantle*, as one of those Commissioners who served gratuitously at the Board of this establishment, was bound to state, that there was every wish on the part of the Board to reduce the expenses necessarily incurred by the Penitentiary. The hon. member for Bath had asserted, that the system of discipline observed at the Penitentiary was a complete failure, and that no good effects from it were discernible. Now, on this point he must differ with him, for he had known many convicted felons, who had been sentenced to transportation, restored to their friends as useful members of society. It was the custom of the Board to give a small gratuity to such felons as could produce testimonials of good behaviour after an imprisonment for twelve months; and he was glad to state, that one-third, if not one-half of the prisoners confined there became entitled to it. He doubted whether in any one of the different county gaols, one-twentieth part of its inmates would be able to obtain similar testimonials. The Board was most anxious to do their utmost for the welfare of the establishment, and if any improvement could be shown to be practicable they would be happy to act upon it.

Mr. *Roebuck* said, that the Penitentiaries of England were badly conducted, particularly when contrasted with those in America. He did not see why the prisoners should not be compelled to make stores for the Government, or perform some other useful work.

Viscount *Howick* confessed his surprise, that so distinguished a political economist as the hon. Member who had last spoken should not perceive the difference in the relative situation of the two countries, which would more than account for any difference between the relative expenses incurred by both respectively in maintaining the convicted felons. The hon. Member might have remembered, that the price of free labour of every kind was far higher in America than in this country. It was therefore impossible that convict labour could be employed to so much advantage in the old as in the new country. While he was on this head, however, he was bound to observe, that even in America, in many instances, a great mistake had been committed in the management of their boasted Penitentiaries. The end of imprisonment had been altogether neglected and lost sight of, and the Penitentiaries had, in many instances, degenerated into mere manufactories. With respect to the employment of the convicts in the manufacture of stores, by which he presumed the hon. Member meant clothing, he would observe, that the great contractors of this country were enabled to furnish the supplies required at so cheap a rate by the employment of free labour out of doors, over which their interest induced them to exercise an unwearied vigilance, that the produce of convict labour could not be put into the scale of competition.

Vote agreed to.

On the Vote of 95,486*l.* for the expenses of the Consular Department,

Mr. *Hutt* said, that he considered this vote monstrously extravagant, and that many of the items were wholly superfluous. He therefore moved as an Amendment, "That the Vote should be reduced by 12,800*l.* which would reduce it to what it was in 1830."

Mr. *Grote* supported the Amendment. He looked upon the amount asked for as most exorbitant. The hon. Member also strongly commented upon the monstrous discrepancy in the amounts of salaries, for it appeared that those Consuls who did least were paid most. Our Consuls in America, who probably had twice as much to do as other Consuls, were not paid half the amount received by Consuls in other places, who did little or nothing. For instance, the Consuls at New York, Baltimore, Philadelphia, and several other places, where the amount of business was very arduous, were only paid 500*l.* a-year; while the Consul at Lima, where there was little or nothing to do, received 2,000*l.* a-year for himself, and 700*l.* for an Assistant Consul. Our Consul at Lisbon had but 600*l.* a-year; at Genoa, but 400*l.*; at Havre the Consul was equally ill-paid, while, at other places in Europe, there were Consuls at treble the salaries, whose posts were mere sinecures. As it appeared, however, that for the lesser sums Government was able to procure the services of efficient Consuls, he saw no reason why any larger sums should be paid.

Mr. *Roebuck* thought, there was a total absence of any principle by which the salaries given to Consuls were regulated. For example, the expenses of our Consulate Department at Egypt compared to that of the United States, were out of all proportion to the commerce of Egypt and the United States. The hon. Member referred also to Hamburgh and Amsterdam, and asked why the expenses should be so much greater at the former than at the latter place, the difference not being capable of justification by a reference to our commercial relations. The existing arrangements were full of such inconsistencies, and appeared to him to be quite ridiculous.

Colonel *Evans* was of opinion, that the salaries to Consuls ought to be regulated to a certain extent by the amount of the commerce. Our commerce with Spain was not in a very flourishing state, and yet there was a long list of appointments for that country. The expenses for the Levant amounted to not less than 10,000*l.*; for Greece they were 2,000*l.*; they were above 2,000*l.* for Egypt; for Syria the sum was about the same; and for Constantinople it was still more; making in all 20,000*l.* a-year nearly for the Ottoman Empire.

Mr. *Spring Rice* said, that the hon. Member who had just spoken had referred to the difference that was to be found in the amounts paid to our Consuls, and had particularly referred to those in the Ottoman Empire and in Egypt; but he thought, that any attempt to reduce these allowances to a fixed scale would fail. There were some special circumstances connected with Egypt, to which he begged to call the attention of the House. As regarded Alexandria, we had no Minister, no diplomatic agent there of any kind, and it consequently devolved on the Consul to act in the capacity of diplomatic agent, in addition to the discharge of his ordinary duties, To estimate the labour of the Consul, then, by comparing the trade of Alexandria and this country with our trade with any other port, was to take a very erroneous view of the matter. We must adapt our establishments in other countries to the nature of our connexion with those countries. In investigating the anomalies of salaries, it would be found that there were other anomalies of situation and circumstances which justified the former, If we sent persons to distant countries, must we not pay them according to the peculiarities in the society, according to the badness of the climate, or according to the rate of living? At Hamburgh we had no diplomatic representative, which would account for the difference observed in the amount of pay to our Consul there, as compared with the amount paid to our Consul at Amsterdam.

Mr. *George Frederick Young* was glad to see the right hon. the First Lord of the Admiralty (Sir James Graham) taking his seat, because he (Mr. Young) wished to call the attention of the Government, of which the right hon. Gentleman was a Member, to the fact, that in 1830, the right hon. Gentleman, in a Motion which he then made, did attempt to lay down some general principle, to the effect that the salaries of British Consuls should not exceed the sum of 1,000*l.* a-year, except in the cases of such as were sent to South America, in favour of whom a difference was to be made in consideration of the greater cost of living in that country. The explanation given by the right hon. Gentleman who last spoke, would not be found satisfactory. The right hon. Gentleman had accounted for the large salary paid to our Consul at Hamburgh by saying, that we had no diplomatic agent resident there. He could not in the same way account for the remuneration given to the British Consul at Constantinople. In Constantinople we had an Ambassador; yet we had there a Consul in the receipt of 1,600*l.* a-year, and a Vice-Consul to whom was allowed 700*l.* a-year. In his opinion the whole matter ought to be referred to a Committee.

Mr. *Ewart* said, that the salaries to the Consuls ought to have proportion to the amount of British shipping frequenting the port. He approved of the suggestion of the hon. member for Tynemouth to appoint a Committee, and would support a Motion to that effect if one were made.

Viscount *Palmerston* said, that since he came into office, it had been in his power to effect reductions in the Consular Department to the extent of 29,000*l.* That was about one-third of the whole amount, and might, he thought, be taken as a fair earnest of the disposition of the Government to make all possible reductions consistent with the efficiency of the public service. He had reduced all the Consuls-General, except, in those few instances, where the public service required that such officers should be continued, and, in every single appointment, some reduction was made of the salaries of Consuls and Vice-Consuls; indeed, very strong representations were made to him from all the parties whose salaries were thus reduced, setting forth the hardship of the reduction; and he felt it necessary to reply to them by a general circular, in which he declared the necessity of the reductions, and his inability to revise them in any case. It was objected, that there seemed no fixed principle or scale in effecting those reductions, and that the salaries were not proportionate to the amount of the tonnage of shipping at the particular places where Consuls were appointed. To this he must say, that, in the first place, the amount of shipping, in any given place, was no adequate criterion of the duties of the Consuls, for the attention to shipping formed only a part of the duties of a Consul. He had various others to perform, such as attending to the complaints of British subjects, and seeing that justice was done to them in the several states where they resided; and it was well known that, in the South American States, this formed a heavy part of the Consul's duties. The Consuls had likewise many returns to make to the Foreign Office, some of a statistical nature, and others relating to commerce and to the produce of grain, which imposed upon them a considerable degree of labour. Then, again, in many places, the Consuls had political duties to perform, which would account for the large salaries of some of them as compared with others. As to the larger amount of salaries in different places, where nearly the same amount of duty was to be performed; for instance, in Marseilles, as compared to Bourdeaux, it would be explained by the fact, that, in some places, the reduction had been made when the office of Consul became vacant, when a much larger reduction could be made than from a party who had already held it. Much also would depend on the reduction of salaries, or the amount of fees which some Consuls received as compared with others. As to the plan of reducing, or rather raising, the salaries of Consuls-General to 1,000*l.* each, he would observe, that it would not be a sound course. It would be establishing a general rule where no general rule could apply. Each case must be considered according to its peculiar circumstances. There were only three Consuls-General in Europe, whose salaries exceeded 1,000*l.* a-year. There was the Consul-General at Hamburgh, who had 1,500*l.* a-year; but it should be considered, that we had no diplomatic agent at the Hanse Towns, and that the Consul-General at Hamburgh was called upon to perform duties as our diplomatic agent for those towns. With respect to the Consul-General at Alexandria, he had, as had been already observed by his right hon. friend (Mr. Spring Rice), most important political functions to exercise, and his salary ought to bear some just proportion to the nature of those functions; but he must add, that the salary of the present Consul was less than that of his predecessor, Mr. Salt, and was as low as he conscientiously believed ought to be given for such duties. An hon. Member had objected to the high salaries given to our Consuls in the South American states. He had already adverted to the onerous nature of some of their duties, but, let him add, that though the nominal amount of those salaries might be high, that amount ought to be considered with reference to the quantity of the necessaries of life which it would purchase. Now, it was well known, that where the precious metals abounded, the value of money was greatly diminished in its relation to the necessaries of life, as compared to places where those metals were not so abundant. The salaries of the Consuls to the South American states, therefore, though larger in nominal amount, were not, in effect, greater in relation to what they could purchase there than numerically smaller salaries in other places. The noble Lord referred to several items in the Consular List, which had been already touched upon by the right hon. member for Cambridge, and contended that, in every case, reductions had been made to as great an extent as circumstances would admit. It would, he added, be idle to make a rule-of-three question of each case, and to contend that each Consul should be paid according to the tonnage of shipping at each port. No general rule could be laid down applicable to every case.

Mr. *Pease* said, he had no doubt whatever, that the greatest reduction of the salaries of Consuls might be made where there existed the greatest amount of trade. Looking to the advantages which accrued to commercial men (which could not arise to others) from these appointments, he thought great changes might be made. He must, indeed, add, that these appointments were of considerable importance to the shipping interest, and only those who understood that subject should be appointed to fill the office.

Mr. *Clay* thought, that the speech of the noble Lord (Palmerston) was the best ground for referring this matter to a Select Committee, for though the noble Lord had shown that no general rule could be applied to all classes, he had failed to answer or explain some of the anomalies which had been pointed out. He had not explained why, in some places, there was a Consul-General, but no Vice-Consul, or why both Consul General and Vice Consul were kept up in other places where we had a resident diplomatic agent. Thus, in Lisbon, he found we had a Consul at 600*l.*, and a Vice-Consul at 300*l.*—whilst, at St. Michael's, we had a Consul-General at 400*l.*, and a Vice-Consul at 100*l.* And yet, in places of greater consequence, in Rotterdam, &c., he found the services of the Consul alone were considered sufficient. To these anomalies no sufficient consideration was or could be given in the Committee, and, therefore, the whole ought to be referred to a Committee above-stairs. He would not say, that the noble Lord might not be able to give a satisfactory explanation of every item in the list to a Select Committee; but as such details could not be well entered into in that House, he thought it would be a just ground for the House to refuse the vote until some such preliminary inquiry had been gone into.

Mr. *Hutt* thought, that after the turn the Debate had taken, he should best consult the object he had in view, if he withdrew the suggestion he had made, with the view of making a Motion for referring the whole subject of our Consular Establishment to a Select Committee, which he would do on the bringing up of the Report; for, it was perfectly clear, that cases of great anomaly and gross extravagance in the expenditure of the public money existed in many of those appointments, and, on this ground, he did look for the support of the House and of the Government in the Motion which he intended to make. He would not then follow the noble Lord into the details to which he had gone; but he feared that neither in that House nor in a Select Committee would the noble Lord be able to convince him of the propriety of giving 2,000*l.* a-year to one Consul at Lima, and only 6,00*l.* a-year to another at Marseilles. Neither could he concur in the large salary of 1,500*l.* a-year, and as much more in fees, to our consul at Hamburgh, when he found that the Austrian and American consuls at that town had each a salary not exceeding 500*l.*, and he had never heard of any complaint being made by the merchants of either of those countries that every attention had not been paid to their business. But, said, the noble Lord, the Consul-General was to be regarded not as a commercial but as a diplomatic character also. This Consul-General received, perhaps, 1,500*l.* a-year in fees in addition to his allowance. In short, the whole system was vicious; it was a part of the system of Toryism and sinecurism, which he had hoped would have been annihilated by the Reform Bill.

Viscount *Palmerston* said, that what the hon. Gentleman meant by the system of "Toryism" he could not comprehend; but with regard to the term of "sinecurism" he certainly understood that; and he begged to assure the House that if there was any set of men to whom this term did not apply, and who did not deserve this censure, it was the Consuls appointed by this country. They were always at their posts, or if absent from it upon any occasion, they were bound to appoint some person to act for them, and the expense thus incurred was cut off from their salary. With respect to the observations of the hon. Gentleman as to the salary to the Consul-General at Hamburgh, he wished the hon. Member to suspend his judgment until the dispute which existed on the part of his constituents touching the conduct of this Consul-General were settled, they having made a charge of inactivity against that Gentleman.

Colonel *Evans* begged to ask where the Consul-General for Austria resided, to whom a salary of 1,000*l.* was given? Did he reside in Bohemia?

Viscount *Palmerston*, in reply, stated that he generally resided at Milan.

The Vote was agreed to.

On a vote of 20,000*l.* being proposed to enable his Majesty to issue money for the erection of school-houses, in aid of private subscriptions for that purpose, for the education of the poorer classes in England,

Major *Beauclerk* said, that he entirely agreed in the principle of the vote, and he heartily gave it his support.

Mr. *Hawes* said, that the House and the country ought to be grateful to the Government for the manner in which the money had been distributed. The grant of this sum of 20,000*l.* had had the effect of inducing private individuals to subscribe, and no less an amount than 60,000*l.* had been raised in that way.

Lord *Morpeth* believed, that no public grant of so limited an amount had ever been productive of so much good.

Mr. *Ewart* suggested the propriety of instituting normal schools, after the plan adopted by the Prussian Government.

Mr. *Spring Rice* said, that it was gratifying to him to learn, not only that the vote itself was approved, but also the principles upon which the money had been administered. The Government had been told, when this vote was first proposed, that if they did not give away the money unconditionally, the object they had in view would fail. They had not, however, so acted, for they required all parties applying to Government for the establishment of schools first to put down some of their own money for that purpose.

They also paid over the fund to the two societies to whose care its distribution was intrusted in such a manner as to excite competition and rivalry between them. The result was, as might be seen from the returns on the Table, that by the grant of 20,000*l.* of the public money an expenditure of 48,111*l.* had been insured, and permanent means of instruction provided for 30,366 children.

Mr. *Murray* complained of the exclusion of Scotland from the benefit of the proposed grant.

Mr. *Spring Rice* said, that the reason why Scotland was not included in the grant was, because the vote was in the first instance neither more nor less than an experimental vote, though he was free to confess, that it now assumed somewhat of a different character.

Mr. *George F. Young* hoped, that Government, in consequence of the favourable disposition evinced by the House with regard to this vote, would be induced to bring forward a proposition for a moderate extension of the grant, in order to its application to Great Britain generally.

Mr. *Grote* was of opinion that Government ought to extend the vote, but, with the limited means in their hands, they had certainly done as much as could well be expected of them during the last year. He hoped they would be animated to still greater exertions in future.

Mr. *Spring Rice* said, as there were several notices on the books with respect to the general question of education, there would be other and more fitting opportunities for discussing the subject; but there was one proposition which had been thrown out, and which deserved the greatest possible attention—he alluded to the establishment of normal schools, which he had no doubt would be of the greatest possible advantage, inasmuch as they would tend materially to improve, not only the schools to be built, but also those which were at present in existence; and he hoped his noble friend would authorize him, before the close of the present Session, to make some proposition to the House upon the subject.

Lord *Althorp* said, that the reason why it had not been originally extended to Scotland was, its being understood that some provision already existed in that country to a considerable extent, while at the same time it was thought advisable that the experiment, to have full justice, should be tried in England, where no such system had been in operation. As to the extension of the vote, he could not at present positively pledge himself; but he should probably call the attention of the House to the subject at some future time.

The vote was agreed to. The House resumed.

HOUSE OF LORDS,

Tuesday, April 15, 1834.

MINUTES.] Petitions presented. By Lord KING, from five Places in Ireland, for the Repeal of the Union, and against Tithes.—By the Duke of GORDON, from several Places, against any Alteration in the Corn Laws.—By the same, and the Earl of ROSEBERY, from Linlithgow, &c.,—for a different System of Church Patronage in Scotland.—By the Marquess of STAFFORD, Lords ROLLE, WYNFORD, and DACRE, from several Places,—for the Better Observance of the Sabbath.—By Lords KENYON and ROLLE, from Dartmouth, &c.,—for Protection to the Established Church.—By the Duke of RICHMOND, from Kirkford and Ifield, for Extending and Renewing the Labour-Rate Act.—By the Earl of TANKERVILLE, and Lords ELLENBOROUGH, KING, DACRE, and SUFFIELD, from a Number of Dissenting Congregations,—for Relief to the Dissenters.

SALE OF BEER ACT.] Lord *Wynford* presented a Petition from Yatton, complaining of the evils occasioned by the multiplication of beer shops, and praying for the repeal of the Beer Bill. He was anxious to know what the Government intended to do on the subject.

The *Lord Chancellor* said, he had received so many applications of the same kind, as that which the noble and learned Lord had now made, not one-twentieth of which he could answer, that he conceived it necessary to state shortly his opinion on the subject. The reason why those persons were now disposed to take an anxious interest in this question arose from the circumstance of many of them being Magistrates, and most of them country gentlemen. The subject was certainly one of importance, and deserved to be considered. The plan which he had originally proposed to the House of Commons, with reference to beer-shops, had been most materially altered. The measure, as first introduced by him, proceeded on the principle, that beer should not be consumed on the premises. That measure did not succeed; and the House of Commons, disappointed in that respect, had addressed themselves to the consideration of a larger measure. A Committee was appointed, at the head of which was the late Mr. Calcraft. That Committee collected much evidence, and a great deal of valuable information; and it finally came to the conclusion to recommend the introduction of that Bill, which was ultimately carried. That Bill, which contained a provision allowing beer to be consumed on the premises, though it was moved that such provision should be struck out, was passed into a law. He thought at the time, that it would encourage or open the door to practices of a very injurious description. Nevertheless, after consulting Mr. Goulburn, the then Chancellor of the Exchequer, and Mr. Calcraft, who were intimately acquainted with the subject, he was led to think that the Committee had come to a sound conclusion. No doubt could, however, be now entertained that considerable abuse had grown up under the system. One great cause which he believed had led the House of Commons to agree to the Bill was, that it was expected that it would tend to check the evils attendant on the then existing system of licensing public-houses. It was affirmed that licenses were granted, refused, or taken away, in many instances, rather with reference to personal feeling and interest, than to the good or bad conduct of the individual applying; and it was anticipated that that evil would be corrected. The result of the measure, however, had been to excite very numerous complaints—complaints that were not confined to one class of the community, but which came from the middle classes as well as from the country gentlemen and magistrates. He, however, was of opinion, that no precipitate measure should be adopted, but that a little further time should be given, to see if a remedy could not be found for those causes of complaint, and to ascertain correctly whether the existing Bill were so extremely pernicious in its effects as it had been represented to be. He knew that many classes of society cried out against beer-shops; but, in condemning them, one part of the question had been overlooked. Did those beer-shops do any mischief in cities, in great towns, or in towns even of moderate extent? He doubted it very much, unless they selected some town in which every second house was already an ale-house, some instances of which might be found in remote parts of the country. He did not think that any mischief was likely to result to a town where there were ten houses in which ale and spirits were retailed, if two houses were added where ale only was consumed. There was, however, a class of houses which the Magistrates and country gentlemen strongly pointed at, and with respect to which, as their information and experience were very large and extensive, their representations ought to be particularly attended to. He alluded to those beer-houses which were opened on the edges of commons, and in lonely and remote country places, where no such establishments were ever known before. He believed, that the number of such houses erected under the Act was very considerable, and he could not help thinking, that the whole measure had got a bad name in consequence of that part of it which encouraged the establishment of beer-houses in solitary and lonely places, where depredations might be secretly planned. It might be necessary, therefore, to resist the establishment of beer-houses in solitary and unfrequented places; although, with respect even to them, there might have been exaggeration. He was, however, disposed to believe, that to a certain degree the charge against those houses, and consequently against the measure, was well founded. He should now merely throw out the suggestion whether a modification of the kind to which he had alluded would not be proper—whether an effective visitation of those houses should not be provided for, at the same time that a due limitation should be preserved with respect to the power to be exercised by those to whom the visiting power was intrusted,

Lord *Suffield* had been intrusted with a petition, signed by all the Magistrates of the quarter sessions of the county of Norfolk, against the Beer Bill; and he must then say, that it was impossible for him to find language sufficiently strong to describe the extent of the evils, and the ramifications of the evils, which this measure had produced, and was producing in the rural districts.

Lord *Kenyon* said, he had expected that some measure would before this have been brought forward to correct this great and crying evil by the noble Viscount opposite. As the noble Viscount had not brought in any Bill, and as no other noble Lord had given any hopes of introducing a measure for the amelioration of the system, he would give notice, that if the subject were not taken up in that House by some one else, he would himself bring forward a motion relative to it. The policy on which the Sale of Beer Act proceeded, was to give the best article to the working classes, at the most reasonable rate. Now, he contended, that the proposed benefit might be gained, and all the evils be removed, if the hours during which it would be legal to serve individuals were placed under severe restrictions.

The Bishop of *London* hoped, that when their Lordships endeavoured to correct the evils resulting from the number of beer-shops, they would also turn their attention to the mischiefs arising from gin-shops, the multiplication of which had tended greatly to the increase of crime and immorality.

Lord *Ellenborough* expressed a hope, after what had fallen from the noble and learned Lord on the Woolsack, that either he or the noble Viscount (the Secretary of State) would turn their attention to this subject. It was one which he thought ought to be left in the hands of his Majesty's Government.

Viscount *Melbourne* said, his Majesty's Government were most anxious to remedy any mischief that was alleged to have grown out of the present system. It was, however, a most difficult subject to deal with. He could not see how any effectual remedy could be proposed, short of the repeal of the present Bill, and a return to the old licensing system, which had been so much complained of. It was very difficult in this, as well as in other cases,—not to enact penalties that (was easy enough,) but to render those penalties effectual. With respect to the suggestion of his noble and learned friend, he feared that much difficulty would be experienced in discriminating between beer-houses in towns and villages, and in unfrequented places, so as to prevent them from being established in improper situations. From the information which he had received, he was inclined very much to doubt whether the evils complained of went to the extent which had been represented. The increase of intoxication was one source of complaint; but certainly it had increased much more in cities, where the Beer Bill had comparatively little effect than in small towns and villages; and he saw not how the evil could be checked, unless a great change for the better was effected in the morals of the people.

Lord *Ellenborough* said, that the observations which had been made by the noble Viscount, convinced him the more, that some modification at least should be made in this measure. The mischief which it had produced was so great, as made it the bounden duty of Parliament to take the subject up. If the system were not effectually altered, it would utterly destroy the virtue and morality of the whole people. A discretion should be given to the Magistrates with respect to the establishment of beer-houses, directing them in their duties, at the same time, by the words of the Act of Parliament, so as to prevent any abuse of their power.

Petition laid upon the Table.

TRIAL OF OFFENDERS (LONDON.)] The *Lord Chancellor*, in moving the Second Reading of the Trial of Offenders in London and Middlesex Bill, observed that there was no necessity for him to make any observations on this occasion, as he only wished to move a Clause which would be open to consideration hereafter. That Clause would go to prevent the inconvenience which might arise, as to laying the venue, in consequence of the commission of offences in different counties. It was proposed that those parts of Kent, Essex, and Surrey, which the Bill comprised, together with Middlesex, should, for the purposes of this Act, form a metropolitan county, by which means one venue would do for all. He would take that opportunity of mentioning an alteration which he was inclined to propose to Parliament, and which would tend to equalize the business in Westminster-hall. It referred to the proceedings in the Court of Common Pleas, and he felt that it was due to his noble and learned friend (Lord Wynford) to say, that he, together with Sergeant Lens and Sergeant Shepherd, had always been of opinion, that such an alteration as he contemplated should take place. The proposition was, that all counsel whatever should be allowed to practise in the Court of Common Pleas, as well when the Court sat *in Banco* as at *Nisi Prius;* and that, as an equivalent, the sergeants should be allowed to hold briefs alone, and to open a case, which they could not do at present.

Lord *Wynford* said, that he approved of the suggestion of his noble and learned friend, which he had no doubt would confer a great benefit on the public.

Bill read a second time.

HOUSE OF COMMONS,

Tuesday, April 15, 1834.

MINUTES.] Petitions presented. By Mr. WALTER, Colonel POWELL, and Mr. OSWALD, from several Places,—in favour of the Lord's Day Observance Bill.—By Mr. DOBBIN, from Armagh, for the Repeal of the Union, and the Abolition of Tithes.—By Mr. OSWALD, from New Cumnock, for Amending the Laws relating to Road Assessments; from New Milns, for the Repeal of the Corn Laws; from the Hand-Loom Weavers of several Places, for a Board of Trade, and for Relief; and from Ayr, and other Places,—for a Better System of Church Patronage in Scotland.—By Mr. Alderman THOMPSON, from Sunderland, against the Reciprocity of Duties Act.—By the same, and by Colonel POWELL, from several Dissenting Congregations,—for Relief to the Dissenters.—By Mr. B. HANDLEY and Alderman THOMPSON, from the Merchant Seamen of Boston and Sunderland,—to be Exempted from the Payment of Sixpence to Greenwich Hospital.

THE CANADAS.] Mr. *Roebuck* spoke to the following effect:—I rise, Sir, to move that a Select Committee be appointed to inquire into the political condition of the Canadas, and my excuse (if excuse be needed) for pressing forward the Motion at the present time, is the extreme emergency of the matter; the critical and extraordinary position of the colonies to which the Motion relates. And in order to induce the House to accede to my request for this Committee of Inquiry, it will be my business, in the observations with which I shall accompany it, to prove the following, among other things:—first, That the provinces are at this moment in a state nearly approaching to open revolt; that Lower Canada particularly[1] as far as words can go, is actually in a state of revolution; the House of Assembly (their House of Commons) having formally seceded from all communication with the Executive, and also having expressly declared their intention to impeach the present governor, Lord Aylmer.—Secondly, I shall endeavour, also, to show, that this present disturbed state of these countries is the result of a long series of continuous bad government, and that the actual outbreaking of the people at the present moment springs immediately from the extremely rash and petulant behaviour of the present Secretary of the Colonies—who, unfortunately for this country, after having successfully fanned Ireland into a flame, has employed the same qualities to the same end in our Transatlantic possessions.—Thirdly, My last object, after having pointed out the evil, will be to suggest the remedy, and to this end I shall endeavour to explain why I desire a Committee of Inquiry. Before I enter upon this arduous undertaking, the House will, perhaps, permit me to allude very briefly (and I assure them that I do so with great reluctance) to the position in which I personally stand as regarding the present question. It may naturally be asked, why I should particularly interest myself in this matter, and whether I can bring to the discussion any peculiar information. I will answer both questions at once. The knowledge that I have upon this matter is greatly the result of personal experience. Many years spent in habits of great intimacy with the people of those countries, have made me intimately acquainted with their history, their feelings, their character, and their desires. The things that I shall describe I have seen, and I now come forward as a witness in this case, and humbly, yet firmly, claim for my testimony that respect which the House is accustomed to pay to the evidence of all percipient witnesses. The same intercourse which has enabled me to speak of this people's affairs as one personally cognizant of them, has made me also feel a deep interest in their welfare. This may, perhaps, be sufficient to account for and excuse my thus prominently standing forward in their defence. I shall soon show, however, that, as a Representative of the English people, the importance of this subject ought to claim my attention, even had I not those personal considerations to which I have alluded. Although in what I shall immediately advance I shall speak as of my own knowledge, and on my own experience, I shall not fail, nevertheless, to corroborate my own testimony by that of others; and I do hope that the evidence I shall adduce, and the documents on which I shall rest my assertions, will gain for my observations the kind and attentive consideration of the House. Without further preface I shall proceed to discuss the matter in hand. I must observe, however, before I enter upon the descriptions with which I shall be obliged to trouble the House, that my remarks will, for the most part, apply to both provinces, though my illustrations, for the purpose of avoiding confusion, will be drawn chiefly, if not exclusively, from one,—namely, Lower Canada. In order to make any one competent to decide upon the resolution now before the House, it is necessary to give some description, however brief, of the Government to which it relates. Every one tolerably acquainted with the history of our colonies knows, that the constitution or form of government now enjoyed by the Canadas was conferred on them by 31 George 3rd, c. 31. The province of Quebec was by that Act divided into the provinces of Upper and Lower Canada; and, in imitation of the form existing in England, a triple power was created in each province, consisting—first, of the governor, who was supposed to be analogous to the King here; second, the Legislative Council, supposed to be analogous to the House of Lords; and, third, the House of Assembly, analogous to our own House of Commons. It is necessary that I should say a few words upon each of these three estates. The governor, be it remembered, is a person sent from England—is removable by the will of the King—and, while in Canada he is a portion of sovereignty, he is but the immediate servant of the Government here. He then, it is clear, bears little or no analogy to the King of England. He is an officer chosen by the Executive, and responsible to the people of England. Next comes the Legislative Council. These Councillors are appointed by the King, and for life. There is no landed aristocracy in Canada; and certainly the Legislative Council, even if we were to concede that such an aristocracy existed, cannot be said to represent it. They are usually old official persons appointed to the office of Councillor, as a reward for service, or for certain other purposes to which I shall immediately advert. Lastly, the House of Assembly does really represent the people, at least in Lower Canada. There may be some doubts as to the completeness and purity of the representation in the Upper Province. Such, then, is the Legislative Body. The Administrative or Executive consists—first, of the Governor; and second, a Council, called the Executive Council. Now, one of the grand causes of all the bad government that has so long tormented these provinces is the composition of this Council, and that of the Legislative Council. These bodies hitherto have been two in name, but one in fact; the persons composing the one being the majority in the other; so that the persons composing the Executive Council could at any time put a stop to all the proceedings of Government, and forward to the utmost the sinister interests which they and their dependents wish to forward, If the House feel at all desirous of understanding the political condition of these provinces, it is absolutely necessary for them to obtain a very definite conception of the character of this Executive Council, and their dependents and connections. As the Governors sent from England go to the colonies only for a short period, and also exceedingly ignorant of everything connected with the business they are about to undertake, it is necessary that there should be always some persons existing, ready and able to instruct their ignorance: these persons are the Executive Council. They live always in the colony, and form the necessary link between succeeding governors. To persons thus serviceable rewards are necessarily given, which rewards consist of various places, money, or money's-worth, paid out of the provincial funds. Besides, these people form a special society, and surround and hem in the governor, so that no one not of their tribe or party can reach him. They actually govern the country—dispose of all its places of profit and distinction, and not only rule, but insult the people. Being thus really independent of all control, their insolence, rapacity, and corruption, know no bounds; and if, at any time, the Governor, or even the Home Government does aught to offend their high mightinesses, they rebel, and treat with scorn and contumely the commands sent from England. While such is the nature and conduct of this petty and vulgar oligarchy, I beseech the House to consider the peculiar position of the people over whom they domineer. This people are in habits of daily—nay, hourly—intercourse with the Republicans of the United States of America. They are accustomed to behold across the frontier a great people—not more instructed, not more desirous of good government than themselves, self-governed—governed by thoroughly democratic institutions; and what is the result? A state of unexampled prosperity—quiet, rapid, and unceasing improvement. Laws and institutions that continue in their action as regular as a piece of physical machinery. They see cheap Government, and yet perfect protection—they see the governing body having interests identical with the people, and possessed of their ever-advancing spirit of improvement, aiding all enterprise,—in fact, performing the true functions of a Government,—not contented with protecting to its uttermost, property, person, and reputation to all its citizens, but assisting in all those great undertakings which are best forwarded by the combined efforts of a whole people. With such a sight before them, it is not wonderful that the Canadian people have imbibed the free spirit of America, and that they bear with impatience the insolence, the ignorance, the incapacity, and the vice of a nest of wretched officials, who, under the fostering domination of England, have constituted themselves an aristocracy, with all the vices of such a body, without one of the redeeming qualities which are supposed to lessen the mischiefs which are the natural attendants of all aristocracies. It is of a people thus high-spirited, pestered and stung to madness by this pestilent brood, that I am now about to speak. Some years after the Constitution had been conferred upon them, and also after repeated solicitation, the two provinces were permitted to provide for their own expenses, and consequently to rule the expenditure of the Government. Those who had refused the request of the people to be allowed to provide for their own expenditure, well knew, that the control of the people would be a very different thing from that of the Government of England. The one was near, deeply interested in saving every farthing; the other was distant, and, amid the many millions of their expenditure, were not likely to be very solicitous respecting the small sums comprising the outlay of Canada. Therefore, when the people did at length obtain the control they so long had desired, a war began between the official persons on the one side, and the people by their representatives on the other,—the one party desirous of having the supervision of the people reduced to nothing; the other determined to maintain and exercise that supervision to the utmost. It is curious to see what various forms during the last twenty years the desire of the official tribe to be freed from supervision has taken, and in how many various ways they have attempted to compass their end, and in all of these, be it remembered, they have been regularly supported by the Government at home. The House of Assembly, acting on behalf of the people, have been driven to various devices to maintain their very necessary, and legitimate control. Having the administrative body utterly opposed to them, and knowing that that administrative body could govern the determinations of one body of the Legislature—namely, the Legislative Council, and also the Governor in his legislative capacity, it behoved them to be extremely wary and stedfast in all their proceedings. One great point was, to ensure their being regularly convoked, and permitted, when called together, to interfere with the affairs of Government. How was this to be accomplished? In England, the House of Commons is necessarily convoked yearly, to vote certain expenses, and to pass certain annual enactments. The Executive has no funds at its disposal, and is utterly dependent on Parliament. It has been very properly the aim of the House of Assembly to approximate its own condition, and that of the Executive of Canada, to this wholesome state. To this end, as they have no Mutiny Bill to pass annually, and as their chief expenses are comprised in their Civil List, they have very wisely determined to pass the Estimates of the Civil List yearly. It is quite astonishing to learn what an outcry this determination raised amid the official tribe. Disloyalty, disrespect to his Majesty, and every evil quality that could possibly be found for the occasion, were attributed to the House of Assembly. And what in reality did it all mean? Simply this. The official tribe saw, that by this means an annual supervision was ensured, and they were sorely vexed thereat. What ought to have been the conduct of the Home Government on this matter? They ought, at once, to have acceded to the desires of the people, to have taken the Civil List yearly, and have aided the people to the utmost in maintaining that necessary supervision which they so ardently desired. Did the Government do this? No such thing. They waged war with the people by three successive Governors on this matter. The Duke of Richmond, Sir Peregrine Maitland, Lord Dalhousie—all fought this mean battle for the official tribe of hirelings who thus made a cat's paw of his Majesty's Government; and at this moment the right hon. Secretary for the Colonies is willing and endeavouring, to continue this mischievous and degrading warfare. To this there was added another source of contention. The people's representatives, still desirous of complete control over the expenditure, determined to vote their money by items—so much to this functionary, so much to that; a very wise precaution, and one almost universally adopted by the English House of Commons. As usual, the tribe of *employés* set up a howl. This was destructive of the prerogative—making the King (always the King, about whom they care in reality as much as they do for the Emperor of China) a cipher. This was dreadful, unbearable, republican, and cheap. The Governors joined with the officials, and the Government at home joined with the Governors. The whole business of the State was completely stopped, and confusion, and every description of ill-feeling between the people and the provincial Government necessarily followed. And who, I beg to ask, was in the wrong? Can we hesitate a moment in declaring the conduct of the Assembly in the highest degree wise and circumspect, while that of the provisional Government was corrupt and vicious—that of the Home Government the very *acmé* of folly. As a specimen of the mode in which the Governors sent from England have sought, under the direction of the Executive Council, to foster good-will towards this country and its dominions, I will state one or two instances of their dealing with the representatives of the people. The House will be able to appreciate from these the manner in which the present heated condition of the popular mind in these provinces has been brought about. During the administration of Sir James Craig, certain members of the Assembly offended the Governor by things said in the House, in their character of representatives. The Governor dealt in a summary fashion with these disagreeable legislators. He arrested five of them, and put them into the common gaol at Quebec; and one, who was afterwards a Judge, he confined a whole year. They were eventually turned out of prison, unable to learn what was their offence, or to obtain a trial. What, I ask, must have been the condition of the administration of justice—what the independence and uprightness of the Judges, in a country wherein such things were permitted? This was one class of acts. I will now mention another. For many years the Representatives of the people had endeavoured to obtain from the Executive an account of the monies in the possession of the Receiver-General of the province. Now, I ask this House—I ask the right hon. Gentleman opposite—whether this demand ought not to have been immediately complied with? Whether the conduct of the Executive, in refusing such accounts, in evading the demands of the Assembly, were not in the highest degree censurable, and evincing a corrupt and vicious system of administration? This demand, wise, necessary, and important, as it was, was steadily refused by the Executive; and by none more steadily than that immaculate person Lord Dalhousie. What was the result? The Assembly, after repeated refusals, evasions, and deception on the part of the Executive, determined to lay on no more taxes, and thus drive the Governor to draw upon the Receiver-General. The result but too truly verified their worst anticipations. The Governor thus compelled, and no longer able to shelter the Receiver-General, Sir John Caldwell, did draw upon him; and then it was discovered that this servant of the Crown had disposed of 100,000*l.* of the people's money, and was a bankrupt. Was this bankrupt brought to account? Was he punished? No such thing. He still possesses the property acquired by the money of the people; and is, moreover, a Legislative Councillor, and has lately been active in abusing that very nation whom he had before so unmercifully robbed. During the whole administration of Lord Dalhousie the war between the Executive and the Representatives of the people was carried on with bitter animosity, and every device, legal and illegal, was attempted to, obtain a revenue independent of the control of the House of Assembly. It happens, that many sources of revenue exist which are supposed not to be within the dominion of the House, although the people of Canada do, in reality, furnish that revenue. For example, certain dues are levied at the port of Quebec under Acts of the Imperial Legislature; these are entirely withdrawn from the supervision of the House. Again, the estates of the Jesuits have become the property of the Crown; these also are withdrawn from the supervision of the House; and lately an attempt has been made to acquire a revenue by the sale of waste lands; and all this to the end of escaping from the control of the people's Representatives. Can we wonder that the people are irritated by this mode of proceeding? Can we wonder that they are exceedingly jealous of all attempts of this description? What would this House say, if it should perceive the Privy Council and the Crown endeavouring to find ways of taxing the people without their consent or control? I ask the House, and I appeal to the right hon. Secretary for the Colonies, whether we should not be justified in resisting every such attempt, and in punishing all who advised it? I have already observed, that the war between the two parties has manifested itself in various shapes; all these, however, it is impossible for me now to describe. All that I am now desirous of effecting is, to create a complete and vivid conception of the sort of feeling existing among the colonists. I want to make this House understand that this war of many years has embittered the whole public mind—that it has broadly divided the country into two hostile, nay deadly hostile, sections—that on the one side a small band of persons in office, using and abusing the name of England, have fought the fight of corruption; while, on the other, the whole people, by their Representatives, have steadfastly insisted on the right to control all expense, and, in fact, to govern the country. I wish, I say, to make the House to understand, that for years this unhappy country has been in a state of trouble and combustion, created and continued by this small band of official persons, who, unfortunately, by means of the Legislative Council, and by the assistance of the home Government, have been able to keep in check the great body of the nation, with their Representatives at their head. Chance unfortunately threw in the way of the unprincipled tribe of official persons another means of dividing the people, and, thereby, of strengthening their own pernicious power. In Lower Canada, the immense majority of the people are of French extraction; they speak the French language, and are of the Catholic persuasion. Incessant have been the efforts of the party which I have so often characterised, to make this difference of language and religion the means of discord and hatred among the people. In order to strengthen their own hands, they have endeavoured to create an English, as opposed to the French party, and, in private, as well as public life—in the Legislature—aye, and even in the Courts of Justice, they have endeavoured to introduce this cause of jarring discord—of vulgar, and, therefore, bitter animosity! Now, in the discharge of a great duty, with a deep feeling of the responsibility under which I am acting, do I solemnly charge the Executive for the last twenty years with disgracefully and most corruptly endeavouring to create and perpetuate national and religious hatred among a large body of his Majesty's subjects, and, for their private and paltry purposes, of stirring up and maintaining amongst those who ought to be brethren, something nearly approximating to the direful calamities of a civil war. I shall be glad to learn the mode in which any one will defend, or even extenuate this disgraceful proceeding. Such, Sir, then, is the state, which, indeed, I have been able but very imperfectly to describe, of the popular mind in Canada, when the right hon. Gentleman opposite became Secretary for the Colonies. It did so happen, however, that the Earl of Ripon, during the last five months of his Administration as Colonial Secretary, had begun to be sensible of the real condition of the colony, and had begun partially to act in a way to conciliate the people. Hopes were thus raised among the Canadian people, that the evils under which they had so long suffered were about to be removed; and, although they had much fault to find with every branch of their Executive, from the highest to the lowest, they began to believe that, at length, the Government in England was really beginning to understand their condition, and to be possessed of a wish to relieve it. It was upon a people thus excited by long-continued oppression, and lately-created hope, that the right hon. Gentleman was about to exercise his control and guidance. Now, before I begin to describe what he has done, let me ask, what course any man really cognizant of the condition of the people, and possessing the calm temper and sound knowledge which should distinguish a statesman, would have pursued in so peculiarly critical and delicate a position? I think, Sir, above all things, having become thoroughly possessed of the true condition of the people; having learned their ways of feeling, their hopes, their wishes; and, having found how excited, and naturally excitable they were,—I say, above all things, he would have abstained from all language that was likely to irritate or disgust them. Knowing, that a people imbued with democratic feelings are not to be driven but led to an object, he would in all cases have endeavoured to make "persuasion do the work of fear." Knowing, that this people are in habits of daily intercourse with the United States, and naturally led to compare their own condition with that of their happy neighbours, he would, if desirous of maintaining the supremacy of England, have done nothing which should have led that people to envy the position of the Americans, either as regards the more material matters of Government, or even the deportment of their Governors. Whatever might be the bearing of rulers in Europe, he would have been fully sensible, that in America there must be no petulance, no passion, no threats, no blustering. He would, therefore, have afforded in his own person an example of calm decorum and benevolent consideration respecting the wishes and the feelings of the people. I fear, Sir, the conduct of the right hon. Secretary bears little resemblance to that which I have here been describing. He has assumed a dictatorial tone and manner; he has arrogated to himself the situation of a master; and has dealt with a jealous and high-spirited people as if they were willing to wait upon his nod, and bow down in abject submission before his supreme decrees. He has insulted the people's Representatives—he has threatened them with coercion—he has thrust upon them his determination of maintaining monarchical dominion—and has insisted so firmly upon maintaining the

King's prerogatives untouched, that he has seriously endangered them all, and has really rendered it doubtful whether the power of England can be maintained even a few years longer. I may be asked, Sir, for a proof of these assertions; the proof is at hand,—the opinion of the people themselves speaking through their Representatives. Let no one say, that the opinion expressed by the House of Assembly is not sufficient upon this point. It was the business of the right hon. Gentleman so to have conducted himself as to winthe favourable regards of the people over whom he governed. The fact, that so far from gaining their good regards, he has raised them in formal and openly declared hostility to himself, and the Executive under him, is damning proof of his insufficiency for the task he has undertaken. This House is doubtless by this time aware that the House of Assembly in Lower Canada has formally seceded from all communication with the Executive; that they have passed a vote of determination to impeach Lord Aylmer, the Governor-General, acting under the command of the right hon. Secretary; and that they have expunged from their journals the despatches of the right hon. Secretary, as being of a nature so insulting and derogatory to their own dignity and honour, as to be unfit to remain upon their records. They came to these Resolutions: 'That, in the midst of 'these disorders and sufferings, this House, 'and the people whom it represents, had 'always cherished the hope, and expressed 'their faith, that his Majesty's Government 'in England did not knowingly and wilfully 'participate in the political immorality of its 'colonial agents and officers; and that it is 'with astonishment and grief that they have 'seen in the extract from the despatches of 'the Colonial Secretary, communicated to 'this House by the Governor-in-Chief, during the present Session, that one at least 'of the Members of his Majesty's Government entertains towards them feelings of 'prejudice and animosity, and inclines to 'favour plans of oppression and revenge, 'ill-adapted to change a system of abuses, 'the continuance of which would altogether discourage the people, extinguish in 'them the legitimate hope of happiness 'which, as British subjects, they entertained, 'and would leave them only the hard alternative of submitting to an ignominious 'bondage, or of seeing those ties endangered which united them to the mother-'country.' Such is the language held by this body of representatives—and such I take to be sufficient proof, even of itself of the extreme rashness and inconsiderateness of the right hon. Secretary. But it may be asked, what were the circumstances which have led to this deplorable result? I will briefly state them; and begging the House to bear in mind the excited state of the people, and their peculiar political and geographical position, I have little doubt but that it will be immediately seen, that the course pursued was eminently qualified to lead to such a disastrous conclusion. Before I mention the circumstances which, under the direction of the right hon. Secretary, have produced these results, I must allude to a circumstance which occurred the year before last; and which, though in no way attributable to the right hon. Gentleman's government, still serves to exasperate the people, and to sharpen all their jealousies. During an election for the city of Montreal, a riot took place, and three unoffending Canadians, persons totally unconnected with any of the election proceedings, were shot by the military. Now, such a circumstance might produce little sensation in Ireland; but in any of the quiet and well-regulated communities of America it was calculated to excite feelings of the deepest sorrow and alarm. The people, generally, are very nearly connected by relationship; they are all of a happy and comfortable condition; they are grave, sedate, and live a peculiarly quiet and well-regulated life. Such an event, therefore, caused regret, and spread consternation through every part of the province. It is not now my intention to express any opinion as to the case in question; that is, whether the officers and soldiers were or were not guilty of murder; but I am exceedingly desirous of calling the attention of the House to the events which succeeded this calamitous occurrence, and entreating them to observe how well calculated they were to disgust and excite the people. Certain of the officers commanding were deemed culprits by the great body of the people; and it was necessary to have them brought to trial. In that country the Attorney-General, and Solicitor-General act as public prosecutors, and have or claim an exclusive privilege of prosecuting all offences committed against the Crown. But in this case it was notorious, that the law officers were sent from Quebec to shield the officers, to use their legal skill in extricating them from the difficulty in which they were placed. Those persons who deemed the officers guilty, sought to have an advocate to aid the prosecution, besides the law officers, thus believed to be partial; this was refused; and it is now said by this disappointed people (with how much justice it is not for me now to say), that the military officers were, by the favour of the law officers, saved even from trial. The Grand Jury (which it is asserted was packed) ignored the bills; and then the Governor, in direct opposition to the feelings of the people, issued a general order, praising the officers and the soldiers who had thus killed the unoffending passengers. The public mind was wrought into a flame by this proceeding; and the House of Assembly spent much time last Session in prosecuting a very minute investigation of the matter, and the publication of the evidence laid before them did not a little tend to heighten the exasperation of the people, and to sharpen their jealous feelings against the Executive and the Judiciary. While the public were thus in a state of fermentation from these various causes, the right hon. Secretary came into office. The first matter in which he has given such bitter offence to the people of the province, is that relating to the Address of the House of Assembly, respecting the Legislative Council. Every person who has reflected on the composition of this Council must at once admit, that it is in the highest degree mischievous and absurd in its present constitution. For this there might be cited many authorities, and among these the opinion of a Committee of this House, appointed to inquire into the state of the province. There is also another authority, who uses these words respecting the Legislative Council. 'How ill that Council had discharged that 'office, they might judge from the papers 'before them. The members of that 'Council, upon every occasion, had enrolled 'themselves on the side of the Govern-'ment, and against the people; they stood 'as an important screen between the Go-'vernment and the people; they neither 'repelled the people on the one side, nor 'impelled the executive on the other; but 'while they enabled the one to maintain 'the war against the other, they were the 'means of keeping up a continual system 'of jarring and contention between the 'Government and the people. This Coun-'cil was the root of all the evils which had 'taken place in the administration there 'during the last ten or fifteen years.'* These words, perhaps, the House may know were spoken by the right hon. Secretary in 1828, while he was on this side of the House. But I will not press this opinion. I certainly do not attach much weight to it; and I dare say the right hon. Secretary has seen reason on this occasion, as on many others, to repent the rash and careless expressions he has used. He must bear in mind, however, that the world out of doors are not always in a position so well to appreciate the worth of his opinions. The people, unfortunately may suppose expressions to be the result of deep consideration, and to proceed from a desire to promote the great interests of the people, which are, in fact, but hasty talk; and for the purpose of disturbing an existing Ministry. The people, dazzled by his position, and his name, would fancy, that then his opinions were of worth, as resulting from a deep conviction of the mischievous effects of the institution in question, while he, himself, would hold them at nought, deeming them either the rash expression of an inconsiderate youth, or the common places of a ready partisan. With the right hon. Gentleman, therefore, I am content to dismiss this his opinion, as not worthy regard. But, nevertheless, he must not be surprised, if the world then misled, should now charge him with tergiversation—with advocating one set of opinions when out of place, and another when admitted to office. It did so happen, however, that the persons best able to form a correct judgment coincided in the opinion of the right hon. Gentleman. They also saw, that the Legislative Council was the bad and mischievous part of the Constitution; and seeing this, and actually feeling its evil effects, the House of Assembly sought to effect some change in the composition of this mischievous body; and in so doing, be it remembered, they but followed the suggestions of the Committee appointed by this House in 1828. But now, Sir, it may be objected by the right hon. Secretary, that there was no need to seek for any alteration in that body, as the Government had already, in compliance with the opinion of the Committee, essentially altered the composition of the Legislative Council, by promoting to it various persons resident in the colony. I, however, will anticipate this objection, by asserting that this change was one in name merely, and not for the better. The evils complained of in the composition of the Legislative Council were, that, as now constituted, that body had interests diametrically opposed to the interests of the people—that neither by birth, by predilections, nor by property were they connected with the people of the country, and the object of the House of Assembly was to make them so. The Government, it is true, had promoted certain persons to the Legislative Council; but the determinations of that body they well knew, would be precisely the same as before. But what they knew the people also knew—and knowing were disgusted; they saw that a trick was played upon them. These people are a practical and sagacious—they are a downright and plain straightforward people—not to be duped by such a vulgar artifice. I will trouble the House with the opinion of the House of Assembly as to the supposed ameliorations of the Legislative Council. [The hon. Member read certain Resolutions of the House of Assembly in which they condemned in very strong terms the Legislative Council, as composed at present.] In accordance with the opinions expressed in this last Resolution, the House of Assembly proposed to the right hon. Secretary, through the Governor, that in order to learn what really were the wishes of the people, a body of persons should be called together, after having been elected by the people, in order simply to determine this single matter—namely, what alteration they desired in the Legislative Council. This plan was proposed—first, to learn distinctly the opinions of the people—it having been asserted by a certain party in the country, that the body of the people desired no change; second, to ensure a quiet and deliberate consideration of a very grave matter. For, as the Representatives in this case would be charged with one matter alone, and acting under a very serious responsibility, it was believed, that they would be the more likely to give it a singular and complete attention. Now, this body thus proposed to be called together by one person or other was unfortunately termed a Convention. The right hon. Secretary immediately called it a National Convention, and straightway there danced before his imagination the recollection of the French Revolution and the disastrous year of 93—and Gensonné, Gadet, and Louort, Robespierre, Danton, and the revolutionary leaders and deeds of that day all rushed upon his mind, and, in an agony of terror and indignation, he penned the following pithy despatch to Lord Aylmer respecting the proposal of the House of Assembly.

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* Hansard (new series) xix. p. 337.

I have also laid before the King the addresses of the House of Assembly. I cannot pass over this document without observation. The object of this address is to pray his Majesty to sanction a national convention of the people of Canada, for the purpose of superseding the legislative authorities, and taking into their consideration in which of two modes the constitution of Lower Canada shall be altogether destroyed; whether by the introduction of the elective principle, or by the entire abolition of the Legislative Council. On the mode proposed, his Majesty is willing to put no harsher construction than that of extreme inconsiderateness; to the object sought to be obtained his Majesty can never be advised to assent, as deeming it inconsistent with the very existence of monarchical institutions. To every measure which may secure the independence, and raise the character of the Legislative Council, his Majesty will be most ready to assent. In 1828, a Committee of the House of Commons carefully investigated the grievances alleged by the inhabitants of the Canadas, and amongst them the constitution of the Legislative Council was a matter of serious deliberation. The Committee reported that one of the most important subjects to which their inquiries had been directed, was the state of the Legislative Council in both the Canadas, and the manner in which those Assemblies had answered the purposes for which they were instituted The Committee strongly recommended that a more independent character should be given to those bodies; that the majority of their members should not consist of persons holding offices at the pleasure of the Crown; and that any other measures that might tend to connect more intimately that branch of the Constitution with the interests of the colonies, would be attended with the greatest advantage.

With respect to the Judges, with the exception only of the Chief Justice, whose presence on particular occasions might be necessary, the Committee entertained no doubt, that they had better not be involved in the political business of the House. An examination of the constitution of the body at that period and the present, will sufficiently shew in what spirit his Majesty's Government have laboured to accomplish the wishes of Parliament. The House of Assembly state correctly, that it has often been avowed, that the people of Canada could see nothing in the institutions of neighbouring countries to which they should look with envy. I have yet to learn that his Majesty's subjects in Canada entertain such sentiments at present, or that they desire to copy in a monarchical government all the institutions of a republic, or to have the mockery of an executive, absolutely dependent for its existence upon a popular body usurping the whole authority of the State. I am not prepared to advise his Majesty to recommend to Parliament so serious a step as the repeal of the Act of 1791, whereby the institutions of this country were conferred separately upon the provinces of Upper and Lower Canada. Serious as are the difficulties by which your Lordship's administration is beset, they are yet not such as to induce me to despair of the practical working of the British Constitution; but should events unhappily force upon Parliament the exercise of its supreme authority to compose the internal dissensions of the colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament such modifications of the charter of the Canadas as should tend, not to the introduction of institutions inconsistent with monarchical government, but to maintaining and strengthening the connexion with the mother-country, by a close adherence to the spirit of the British Constitution, and by preserving, in their proper place, and within their due limits, the mutual rights and privileges of all classes of his Majesty's subjects.

I would now beg the House to weigh this matter rather more carefully than the right hon. Gentleman has done, and endeavour to learn how Monarchy and Monarchical Institutions are to be destroyed by the simple, and I think, extremely proper method suggested by the House of Assembly. It appears that the House of Commons, itself supposed to be a democratic body, proposes that alterations should be made in a particular portion of the provincial Government—what alterations it did not, however, specify. Well, then, in order to learn what those alterations should be, the House of Assembly proposes that a body of persons should be elected by those most interested in the matter, and by those certainly best able to judge of the wants and wishes of the people; viz. the people themselves, in order to suggest the requisite changes. What is there in this subversive of Monarchy? It was not sought to make this body a Sovereign Legislative Assembly—it was not intended to supersede the King, Lords, and Commons; but it was intended to give the Imperial Legislature the best means of learning the wishes of the people and their actual wants in the matter of Government. This, I again assert, was a wise and considerate proceeding, and in no way deserving the rebuke and reproaches which the right hon. Secretary too rashly hazarded. But let us suppose for a moment that this plan was not a wise one. What shall we think of the tone and manner of the despatch which condemned it? Had the right hon. Secretary considered for a moment he must have been aware that the people of Canada were not copying revolutionary France, but quiet and well-governe America. He would have remembered, that every day almost in the United States bodies are thus chosen to determine particular questions, and the people of Canada sought only to follow a plan which, on the opposite frontiers, they saw pursued by the most sagacious and best governed people on the earth. Would he not (if acting wisely and calmly), even if he differed from the House of Assembly, have expressed in very temperate language his dissent—have stated quietly his reasons for dissent—have pointed out some other, and what to him appeared a wiser plan? But he did none of these things. He at once, and without disguise, accuses a whole body of representatives, who had been acting in the solemn discharge of a sacred duty, with desiring to overthrow the Constitution of their country. He accuses them of wishing to introduce republican measures, as if by that epithet he at once condemned the plan proposed, and then, without further ado, he violently threatens them with a second edition of his Irish Coercion Bill. It is idle to mince the matter. We know very well what that round-about phrase was intended to signify. It meant threats—threats of changing their form of government—threats of taking away power from the popular branch of the Legislature;—and, why was all this angry language used? Simply because the House of Assembly had proposed a mode of learning the people's wishes and wants which was distasteful to the right hon. Secretary. Now, Sir, what was the answer of the House of Assembly to this rash and inconsiderate menace. Just what any one acquainted with the people would have expected—just what any high-spirited body would have given; and, for my part, had they given any other, they would have had my contempt, and not, as now, my sympathy. It was this:

> That this House, and the people whom it represents, do not wish or intend to convey any threat; but that, relying as they do on the principles of law and justice, they are and ought to be politically strong enough not to be exposed to receive insult from any man whomsoever, or bound to suffer it in silence; that the style of the said extracts from the despatches of the Colonial Secretary, as communicated to this House, is insulting and

inconsiderate to such a degree, that no legally-constituted body, although its functions were infinitely subordinate to those of Legislation, could or ought to tolerate them: that no similar example can be found even in the despatches of those of his predecessors in office, least favourable to the rights of the colonies: that the tenor of the said despatches is incompatible with the rights and privileges of this House, which ought not to be called in question or defined by the Colonial Secretary, but which, as occasion may require, will be successfully promulgated and enforced by this House.

That with regard to the following expressions in one of the said despatches, "should events unhappily force upon Parliament the exercise of his supreme authority to compose the internal dissension of the Colonies, it would be my object and my duty, as a servant of the Crown, to submit to Parliament, such modifications of the charter of the Canadas as should, tend, not to the introduction of institutions inconsistent with Monarchical Government, but to maintaining and strengthening the connexion with the mother-country by a close adherence to the spirit of the British Constitution, and by preserving in their proper place, and within their due limits, the mutual rights and privileges of all classes of his Majesty's subjects;" if they are to be understood as containing a threat to introduce into the constitution and other modifications than such as are asked for by the majority of the people of this province, whose sentiments cannot be legitimately expressed by any other authority than its representatives, this House would esteem itself wanting in candour to the people of England, if it hesitated to call their attention to the fact, that in less than twenty years the population of the United States of America will be as much greater than that of Great Britain, as that of British America will be greater than that of the former English colonies, when the latter deemed that the time was come to decide that the inappreciable advantage of governing themselves, instead of being governed, ought to engage them to repudiate a system of colonial government, which was, generally speaking, much better than that of British America now is.

But, says the right hon. Secretary, they had a republican intent in view; they desired to destroy the Monarchical character of the Constitution, by proposing to make the Legislative Council elective by the people. To make it, in fact, similar to those Republican Senates which are to be found in the Constitution of the United States. Let us learn what is the worth of all this outcry. I would observe, however, for myself, by way of preliminary remark, that I do not advocate an elective Council—a double Chamber appears to me a clumsy contrivance—a mode of increasing the defects always attendant on legislative bodies, by multiplying the number of the persons composing them. The Council, in my eyes, is a nuisance; and my way of getting rid of a nuisance, is simply to abate it—in other words, to clear it away entirely. I would utterly abolish the Legislative Council, and set up nothing in its stead, leaving the Government composed of the Governor and the House of Assembly. It appears, however, that certain persons proposed to have an elective Council, and hereupon the fright arises respecting Monarchy. Let me ask of the right hon. Gentleman, if Monarchy is supposed to be of such a nature as necessarily to entail a nuisance on the people? Is a badly-constituted second branch of the Legislature necessary to the maintenance of Monarchy? because, if it be so, I will meet the right hon. Secretary at once, and declare, that the more rapidly the one and the other are got rid of the better. If we cannot maintain our dominion over our colonies without also maintaining a scourge, our dominion is a curse; and if the people be wise, they will cast us and the Legislative Council off at the same time. But, Sir, there is, I assert, no such necessity. I assume, that the Government of England has no intentions hostile to the interest of the people of the colony. I assume, also, that the House of Assembly will know, and will endeavour to attain, what is most conducive to the welfare of their constituents; therefore, I say, it follows necessarily, that the wishes of the English Government, and those of the House of Assembly, will be identical. That, to bolster up a good dominion, such a mischievous institution as the Legislative Council is utterly unnecessary; that it is useful only to bad purposes, and an incumbrance even when it acts most wisely. Does any one believe, that our dominion over the Canadas is maintained by some score of mischief-making old men, collected together, and called a Legislative Council? The Governor is not strengthened by them; —he would not be weaker in reality were they abolished to-morrow. How, then, I should like to know, is this body necessary to monarchy? But it may be said, allow two bodies of the Legislature to be chosen by the people, and you make the people paramount. I ask, in answer to this,—do you desire things different from what the people desire? If you do, you seek to establish bad government. If you do, you make bad government and Monarchy in this case identical. I, having a better opinion of the intentions of the English Government, suppose it to wish what the people wish, and, so wishing, that it would act in harmony with the people's Representatives, whether sitting in two Chambers or one. Therefore, I say, this supposed proposal of an Elective Council is, in no ways, opposed to monarchical institutions; and that it only seeks to establish a good for a pernicious institution. The right hon. Secretary, however, was not content with thus declaring war against the Assembly generally. He took care to quarrel with them in a matter peculiarly relating to their own privileges. The House of Assembly is fond of imitating the proceedings of this House; and, in order to ensure the purity and independence of the Members, it was determined to take a precaution which this House has established. In the year 1680, this House passed the following Resolution:—'That no Member 'of this House shall accept of any office 'or place of profit from the Crown 'without the leave of this House, or 'of any promise of any such office or 'place of profit during such time as he 'shall continue a Member of this House. 'Resolved, that all offenders herein shall 'be expelled this House.' The House of Assembly, in imitation of this, resolved, that all Members accepting place should vacate their seats, thereby making their constitution, in this particular, similar to our own. Some time since, Mr. Mondelet, being a Member, did accept of office; and the House declared, that he thereby vacated his seat, and called upon the Governor to issue a new writ for the county of Montreal. The Governor refused, and reported his refusal to the right hon. Secretary, who thereupon sent him a despatch, approving of his refusal to affix his name to the new writ for Montreal. [The hon. Member read the despatch.] It is quite evident, that the right hon. Secretary was egregiously in error, when he asserted, that the House of Commons never arrogated to itself this power. I have quoted this instance; and this proof of his own fallibility will, I hope, lead him to judge of others in future with something more of mildness. The tone of this despatch, like the one I have already read, is, in the highest degree, unworthy of any one claiming the character of a statesman. This sneering comparison of the knowledge and prudence of the House of Commons, and of the House of Assembly, was more fitted for the flippant critique of a review, than the grave document of a responsible Officer; and this comparison, too, is made in favour of a body who passed, *nemine contradicente,* the resolution I have above quoted, who expelled Wilkes, and who, twelve years afterwards, expunged the record of that expulsion from their Journals. Surely, surely the right hon. Secretary must study a little more carefully the history of his country, and learn to be less hasty and positive in assertion, when he finds that he has thus grossly erred. But what said the Assembly to this? Their answer was directly in the teeth of the right hon. Gentleman's assertions. [The hon. Member quoted some other resolutions of the House of Assembly.] The result, then, of all this imprudence on the part of the right hon. Gentleman is, that the province now is, in reality, without a Government. The three bodies of the Legislature are at open war, and no communication exists between them. In the Executive the Governor is powerless, for no monies have been granted; and besides, the Governor has utterly lost the confidence of the people. In addition to this, the Judiciary is vehemently suspected by the whole province; so that, in fact, the administration of justice may be said to be at a stand. And now, Sir, I ask, amid all this confusion, what is to be done? The right hon. Secretary has refused the plan proposed by the House of Assembly; and by his proceedings generally, he and his officer, the Governor, have put the country into a flame. A revolution (I will not hide it from the House) is at hand; and here comes the question,—what ought this House to do? Is it not, I ask, high time that we should carefully investigate the matter, and afford the people some means of redress—the Executive some means of exculpation? Is it not the height of madness to allow the confusion to continue, without inquiring whether the House is inclined to agree with the opinions which I have expressed respecting the conduct of the Home and Colonial Governments? I think, then, I have made out a sufficient case for the House to grant me the Committee which I ask. I have shown, beyond all doubt, that, whether wisely or unwisely, I shall not now ask, the provinces are in a state nearly approaching to revolution. I have explained, that the cause of this great excitement was a belief existing in the minds of the people of the colonies that their Government is a bad one. I have shown how necessarily they must be led to make comparisons between their own condition and the happy state of the American Republics; and that, therefore, it is highly necessary, if we desire to retain a peaceable dominion, that we should give the colonists every opportunity of expressing their complaints, and of seeking redress for their supposed grievances, through the ready intervention of the Imperial Legislature. On these grounds, I say, Sir, if we be governed by the dictates of a sound and benevolent policy, we shall unhesitatingly grant the Committee which I ask for, and allow the people to bring their complaints before us in a direct and straightforward manner. I hope, therefore, whatever else the right hon. Secretary may say on this occasion, he will not oppose the Resolution with which I intend to conclude. Before closing the observations which I have deemed it my duty to make, I would solemnly appeal to the prudence of the right hon. Gentleman, whose opinions will, I know, guide the determination of this House. I would beseech him to pause and reflect upon the consequences that will follow any rash declaration of hostility; and would earnestly entreat of him to listen to the dictates rather of a calm and sane policy, than the rash impulses of an impetuous temper. Let him recollect, that the great Republic of America, with her swarming citizens,—adventurous, wary, and sagacious,—is the close neighbour of our Canadian subjects; that thirteen millions of enthusiastic Republicans will watch with intense interest, and with selfish views, any dispute that takes place between the colonies and the mother country. Let him also be certain, that, if any rupture takes place between us, the colonists will ask, and will indubitably receive, assistance from their all-powerful neighbours. And on what terms will that assistance be granted? But on one only:—that the Canadians become part of the great Federal Republic. And when this event shall take place, who is there that, on surveying the vast possessions of this already but too formidable power, but will tremble for the fate of England. From the North Pole to the Sea of Mexico,—from the Atlantic to the Pacific,—will her gigantic territories extend. With a coast unequalled in the whole habitable globe,—with wise and beneficent institutions,—with a well-instructed and sagacious people, where shall we fix the limits of her power?—where find a check to her overwhelming force? The fleets of England will dwindle into insignificance,—her naval supremacy will shrink into obedient servitude to her Transatlantic offspring. The day is not far distant which will see this prophecy fulfilled, if we rashly drive into rebellion the provinces of Canada. If we yield to their wishes, on the other hand, we may bind them to us by the gentle, but firm bonds of friendship,—we may foster them by time into an opposing power to the giant strength of America, and may erect in the more northern territories of that happy Continent a rival to the United States in force, in commerce, and in happiness. Gentle treatment—wise conciliation—will effect this. Any rash and impetuous contempt of their desires will revive the disastrous days of 1774; and the colonies now, as then, will, with arms in their hands, at once and for ever, proclaim themselves independent of our dominion. Woe to that Minister who leads us to this result! The hon. Member concluded by moving "The appointment of a Select Committee to inquire into the means of remedying the evils which exist in the form of the Governments now existing in Upper and Lower Canada."

Mr. *Stanley* said, he must offer his thanks to the hon. and learned Gentleman who had just sat down, first for the advice which the hon. and learned Gentleman had tendered to him—advice which he received in the spirit of kindness—and in the next place for having, by the present motion, afforded him an opportunity to explain and bring under the consideration of the House not only the constitution, but also the present state of the province of Lower Canada. He knew not what was the object of the alteration which the hon. and learned Gentleman had made from the terms in which his Motion had originally been announced to those with which the hon. and learned Gentleman had just concluded his speech; but the House would not fail to observe, that the distinction was by no means immaterial: it was one question to discuss and consider the constitution of a Colony, and another to inquire into its present state and condition. He confessed, though he had listened with great attention to the speech of the hon. and learned Gentleman, it was with no small difficulty that he had followed the hon. and learned gentleman through the complicated dates, terms, facts, and circumstances, which almost rendered the hon. and learned Gentleman's statement unintelligible to persons unacquainted with the subject-matter sought to be inquired into; but he (Mr. Stanley) begged the House to observe, that the hon. and learned Gentleman, on a general principle (which, however, he did not avow), called upon the Legislature of this country to enter into the consideration of the existing constitution of two colonial provinces, while the whole of the hon. and learned Gentleman's facts and allegations referred to one single province; nay more, the hon. and learned Gentleman had entirely omitted to inform the House that, in the other province, the Governor, the executive Council, and the Legislative Council, were united in the bonds of most perfect good feeling and unanimity, notwithstanding the strenuous efforts which had been essayed to disturb the harmony which had prevailed for a long period amongst these three branches of the local government of Upper Canada. It would be his duty to endeavour to supply this omission on the part of the hon. and learned Gentleman. He would first state, that not very long since a gentleman of the name of Mackenzie came over to this country from Upper Canada to complain to his Majesty's Government of certain grievances alleged by him to exist in that province. That complaint had been inquired into with the deepest anxiety by the noble Earl who was his predecessor in the office he had now the honour to fill, with a view to equal and impartial justice. His noble friend had called upon the Legislative Assembly of Upper Canada to take the best mode to meet the alleged grievances; and what was the answer of the House of Assembly—a body whose independence and freedom of action had not been and he presumed would not be, disputed by the hon. and learned Gentleman, himself an advocate for freedom, and who, he was satisfied, would not quarrel with the terms of the answer which he felt bound to read to the House? His noble friend, in his despatch to Upper Canada, had stated that Mr. Mackenzie had concluded his paper containing a statement of the grievances of which he complained, and from which he had anticipated no other result (if not removed or remedied) than bloodshed, civil war, and a dissolution of the connexion between this country and the province of Upper Canada. His noble friend added, that he himself would not consent to the adoption of the opinions of Mr. Mackenzie, but, on the contrary, would reject the supposition, that any doubt could be entertained that the people of Upper Canada would ever violate their sworn fidelity to their Monarch, and desolate their country by bloody rebellion. In answer to the communication of his noble friend, the House of Assembly stated:

> We, his Majesty's dutiful and loyal subjects, the Commons of Upper Canada, in Provincial Parliament assembled, return our thanks, for your Excellency's Message of the 12th day of January last, transmitting a despatch of the right hon. the Secretary of State for the Colonies, in answer to certain letters and documents addressed to his Lordship, for the purpose of proving that the people of this happy and prosperous colony are oppressed and burdened with grievances, and have become so discontented, that there is danger of revolt and bloodshed, unless those alleged burdens and grievances are removed and redressed.
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> We most readily concede that the noble Secretary of State was actuated by the best motives in framing the despatch in question; but we cannot refrain from expressing our great regret that it did not occur to his Lordship, that allegations thus deeply affecting the character of his Majesty's subjects of Upper Canada rested on no better testimony than that of an individual who had been twice expelled this House, and who, in consequence of his having fabricated and reiterated libels of the grossest description, had been declared unfit and unworthy a seat in the Assembly during the present Parliament. If this fact had occurred to his Lordship, it is reasonable to suppose, that he would not have felt himself at liberty to recognize the author of this additional calumny on the people of this province, as the agent, or as speaking the sentiments of any portion of the loyal inhabitants of the province of Upper Canada, and would therefore have considered it utterly unnecessary to enter into so elaborate an examination or refutation of anything advanced by him.
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> The House of Assembly are unwilling to occupy your Excellency's time or attention by commenting on the details of the dispatch, or on the different matters referred to in it, as constituting grounds of complaint on the part of a few of the people of this province; they will merely remark, that the remedy for any ills alleged to exist is placed in the hands and is within the constitutional power, of the Legislature of the colony; and the noble Secretary of State does the people of this province but justice in believing, that there are no people on earth who are less likely to yield to the unmanly weakness of despairing of the public good, and of betraying their most sacred duties in a pusillanimous spirit. Acting upon principles and feelings diametrically opposite to those imputed to them, we are confident, that they will take care to exercise their rights as freemen and British sub-

jects, in such a manner as will insure the election of representatives who will maintain our excellent constitution, guard our rights, and, with the concurrence of the other branches of the Legislature, adopt such measures as may appear necessary for removing any just ground of complaint.

This was the Address of the House of Assembly of Upper Canada on this occasion. This was the way in which they spoke of that Constitution and that system of government which the hon. Member had thought fit to come down to that House to vilify and abuse. This was the language of the representatives of that Colony which the hon. Member would lead the House of Commons to consider as disaffected and discontented. This was the language of an Assembly elected in the freest and most impartial manner—chosen by a constituency composed of 40*s.* freeholders and of persons in free possession of houses of the value of 5*l.*, or renting houses of the value of 10*l.* Yet this was the way in which the representatives of Canada spoke of the Constitution and of the happiness they enjoyed under it. He would next beg to remind the House, that, in the year 1828, a Committee of the House of Commons had been appointed to inquire into the government of Canada. The hon. Gentleman, in his review of circumstances since 1810, had thought fit to pass over that Committee without ever deigning to mention it, or to inform the House that such a Committee had sat at all. [Mr. *Roebuck*: The right hon. Gentleman is mistaken. I noticed the proceedings of that Committee] He was not even aware, that the hon. Gentleman had mentioned it. At all events the mention of it was so slight that it had altogether escaped his (Mr. Stanley's) observation. That Committee, in their Report, state that they "are desirous of recording the principle which, in their judgment, should be applied in any alterations in the constitutions of the Canadas which were imparted to them under the formal Act of the British Legislature of 1791. That principle is, to limit the alterations which it may be desirable to make by any future British Act, as far as possible, to such points as, from the relation between the mother country, and the Canadas, can only be disposed of by the paramount authority of the British Legislature; and they are of opinion, that all other changes should, if possible, be carried into effect by the Local Legislatures themselves, in amicable communication with the Local Government." He cordially embraced that opinion. He joined the Committee in thinking that as little intervention as possible should take place on the part of the Government of the mother country, and he was surprised that the hon. Gentleman would propose an intervention on the part of this country, in the affairs of a colony which enjoyed freer institutions than almost any other country on the face of the globe, and the Legislative Assembly of which, chosen by the free voice of the people, had declared their satisfaction with the Government and the present system of affairs. He was peculiarly surprised that the hon. Gentleman should have chosen the present period to bring forward this Motion, when the general election in Canada was about to come on, and the people would have an opportunity of showing, by the choice or rejection of their present Representatives, whether or not they continued to enjoy that satisfaction which they had formerly expressed. He would take the allegations of the hon. and learned Member as he had made them, though the case of the two colonies was essentially different. In the one the Constitution was not complained of in any degree; in the other a party was strongly opposed to it. In Upper Canada there were no complaints, nor grounds of complaint but, he must admit, that the case was different in the Lower Province. In tracing the hon. and learned Gentleman through his several allegations and complaints, he would endeavour to trespass on the time of the House as shortly as the nature of the subject would admit, consistently with giving a full explanation of the points which the hon. and learned Gentleman had mooted. The first point mentioned by the hon. and learned Gentleman was the difference between the Constitution of Upper and Lower Canada. In the one, he admitted, that there was no matter for complaint, but, in the other, there was. The first point of complaint was the Constitution of the Executive, and next of the Legislative Council. The duties of the Executive Council were to advise with the Governor on the affairs of the colony; to pass the Government accounts as far as regarded the Treasury, and other matters connected with the Government; but, said the hon. Gentleman, the Executive Council interferes with the duties of the Legislative Council. This was a fallacy which ran through his whole argument. He told them of an act of abuse committed by Sir James Craig in 1810, which he willingly admitted to have been unconstitutional, and of other acts previous to 1828; but the hon. and learned Gentleman said nothing of the recommendations of the Committee of 1828; nor did he once tell the House that the Government had ever since acted in the closest manner on the recommendations of the Committee, and had used every exertion to do away with every cause of grievance. In the Amendment which he should conclude, by moving to the Motion of the hon. and learned Gentleman, he meant to propose, that the Committee to be appointed should be confined in their inquiries to the state of Lower Canada. He proposed, that the Committee be appointed to inquire into the state of the Lower Province, because the Government of that colony was on its trial both here and in Canada. It was necessary that the members of that Government should have an opportunity of defending themselves from the accusations brought against them by the hon. and learned Member. He knew, that it would be impossible for the House to go into a consideration of the multifarious subjects which such an inquiry would embrace, still he invited—nay, more—demanded an inquiry, in order that the hon. Member should substantiate the charges brought against the Government, or the Government have an opportunity of refuting them; and he (Mr. Stanley) pledged himself to show before the Committee, that the Government, in all they had done, had acted in strict accordance with the recommendations of the Committee of 1828, and that their conduct throughout, since that period, had been marked by a spirit of conciliation and concession. With regard to the Legislative and Executive Councils, the hon. Member said, that the Executive Council swayed the opinions of the Legislative Council, and actually governed it; that it was the centre of a small body of placemen, who were entirely under the influence of the Government; and that the principal portion of the members of the Executive Council were members of the Legislative Assembly. Now, what was the fact? Why, that in the Executive Council of Upper Canada there were thirty-two members, of whom only six were members of the Legislative Council. As to Lower Canada, the Executive Council of that province consisted of thirty-seven members, three only of whom were in the Legislative Council. These were facts which he should be able to show satisfactorily to the House, and of which he could produce the most undeniable evidence before the Committee. The hon. Member had accused him of having altered the opinions which he had expressed in 1828, on the subject of the Constitution of the Legislative Council; but such was not the fact. He had then declared, and he now repeated, that a Legislative Council, constituted as the Legislative Council of Lower Canada then was, and depending, as the members then were, on the Crown, and subject to the influence of the Government, such a Legislative Council he had declared to be a grievance, and he still continued to be of that opinion. He would strengthen what he then said by some extracts from the Report of the Committee of 1828, in regard to the Government of Lower Canada; but, before doing so, he would beg to draw the attention of the House to a part of the evidence taken before that Committee. The House was aware, that in 1828, a petition, signed by 87,000 of the inhabitants of Lower Canada, living under the French law, was sent to the British House of Commons, in which complaints were made of arbitrary acts on the part of the Governor of the Province, and of many abuses. This petition was intrusted to the care of three gentlemen, Mr. Neilson, Mr. Viger, and Mr. Cuvillier, members of the Assembly of Lower Canada, who had been deputed to this country for the purpose of seeking redress of the injuries complained of by them. Now, it was remarkable, that Resolutions passed by the Assembly to which the hon. and learned Gentleman had referred, were opposed by Messrs. Neilson and Cuvillier, who could not be supposed to be opposed to the popular party. Mr. Neilson moved an Amendment, admitting some evils, but expressing satisfaction at the course pursued by the Government, and calling on the House to co-operate strenuously with the Governor for the redress of real and practical grievances. That was the language used by Mr. Neilson, in speaking to the fifth of the ninety-six Resolutions then adopted; and he complained, that his recommendation was not followed, but that, on the contrary, resolutions were agreed to, which condemned the Government. To show what Mr. Neilson's opinion was, in respect to the Constitution of the Legislative Council, he would quote that Gentleman's evidence before a Committee of the House of Commons. He stated:—

> There are two modes in which the Composition of the Legislative Council might be bettered: the one which, I believe, the majority of the people in Lower Canada have in view,

is, by the exercise of the prerogative, appointing men who are independent of the Executive, and, in fact, who are able to live by their own means. That has appeared to us to be the most consistent with the Constitution under which we live. If that were found to be impracticable, the other mode would be to make the Legislative Council elective, by electors of a higher qualification, and fixing a qualification in property for the persons that might sit in the Council. I should conceive that the latter mode would be safe enough for all parties; still it seems to be a deviation from the Constitution under which we live.

You conceive, then, that the fault of the Legislative Council is not in the original constitution of the body, but in the manner in which the choice of councillors has been exercised?—Certainly; that may, perhaps, be unavoidable; because it is impossible that the Government here should see in the colony, excepting by the means of the people that are in the colony; they must take the recommendations that are sent from the colony; and if they are men that are not independent, and not suited altogether to act an independent part in the Council, of course they must appoint them notwithstanding, for they do not know that it is otherwise.

When you say that those alterations would improve the Constitution of the Legislative Council, do you use the word 'improve,' in this sense, that they would constitute a body which would agree with the lower House in their views, instead of agreeing with the Governor, as it now does, in his views?—I should suppose that it would be compelled to agree with neither one nor the other. At present, we suppose that it is absolutely compelled to agree with the Governor. Then it would be an independent body, that would keep the balance between the two, and give a certain stability to the existing laws and institutions.

It never was imagined (the witness continued), by us, at least, that the Legislative Council was to be otherwise than a body originating, in some measure, from the Crown.

He then recommended that—

The Judges ought to be excluded from the Legislative Council; for it unavoidably mixes them up with politics, and they become, instead of Judges, in some measure political partizans.

And, in reply to other questions, Mr. Neilson continued—

If the Chief Justice is to be everything as he is at present, a Member of the Legislative Council, Chairman of the Executive Council, presiding in the Court of Appeals, and taking an active part in all the public business of the province, he must be almost incapable of avoiding, when he is upon the Bench, feeling a certain bias: it is believed, too, that such a bias exists; for instance, when a prosecution is advised, it must be sanctioned in the Council in order to allow the expenses; the Executive Council has, of course, advised the prosecution, and the Chief Justice is the Judge to sit on the Bench, and try it, and he is in danger of being biassed. In truth, people do conceive that there is a bias at present in matters where the Crown is concerned.

If the Chief Justice, or any Judge, were not to be active politicians, there would be no harm in their being anywhere; but the society being small, they become active politicians.

Is it not by being Executive Councillors that they get mixed up with politics?—Yes, that is the great evil of their being Legislative Councillors, but in the Legislative Council, in the passing of Bills, they take an active part; they are for or opposed to the Bill; and it has been frequently found, that they interpret in their Courts, according to the interpretation in the Council.

He continues—

Would you think it desirable that a provision of this sort should be made, that not above a certain proportion of the Legislative Council should consist of persons in the pay and employment of Government?—Certainly, I should say so, that would be a proper rule for the Government to act upon.

Mr. Neilson, therefore, did not object to the Legislative Council, but he wished that it should be kept distinct from the Executive Council. Mr. Cuvillier used still stronger language than Mr. Neilson in regard to the exclusion of the Judges. In the evidence given before the Committee, there was this passage:—

"Do the petitioners whom you represent complain of the composition of the Legislative Council?—They do.

"Of what do they complain?—They complain that the majority of the Members of the Legislative Council are persons holding places of profit during pleasure, and, in consequence of that, they are not considered independent of the Crown.

How do they propose to remedy it?—I do not know that their opinion has been taken upon that particular point. I can only give it as my opinion to the Committee, that if it were not expedient to make the Legislative Council elective, certainly the Judges ought to be excluded from that body, and also the Collectors and Receivers of Revenue, and the Auditors of Accounts. If, on the other hand, the Legislative Council were to be elective, a certain qualification, of course, would be requisite in the Electors, and a certain qualification for the Members; but, decidedly, certain descriptions of persons ought not to be elected in the Council, for instance, Collectors and Receivers of the Revenue."

Now this was not the Report of the Committee of the House of Commons, but the language of the Representatives of the granted an additional sum of money, without any stipulations as to its disposal; but, after some time, they claimed—and he thought that the claim was a fair one—they claimed a superintendence over the revenues collected within the province. Things went on in this state for a few years; concessions being made sometimes on one side, and sometimes on the other, till at last the Governor of the province authorized the Receiver to take any sum out of the chest of the province on an order signed by him, without waiting for the sanction of the House of Assembly for its appropriation. That was a step which never should meet with his approbation; and it was at this proceeding that the censure of the Select Committee of the House of Commons in 1828 was levelled. To show the spirit by which the House of Assembly was actuated, he would then mention one circumstance. The Legislature broke up last year at an early period, leaving the quarantine establishments in a state of great distress, when the Cholera was raging with unexampled fury, and famine was partially ravaging the country. Under these circumstances, the Governor, chiefly from his own resources, had advanced 7,000*l.* to provide for the pressing wants which such a calamity occasioned; and when he applied the next Session, in full confidence that the House of Assembly would reimburse him for what he had thus humanely advanced, he was met by a taunt against the misappropriation of the money. The House would observe, that not one farthing of this 7,000*l.* had been expended in paying the salaries of any members of the Executive, or of the Judges, but it had been all laid out in alleviating, at a time of great national suffering, the distresses of the sick population. Admitting the control of the House of Assembly over the taxes levied by their authority, there still remained the duties levied and appropriated under the 14th George 3rd: and on this point the opinion of the Select Committee of the House of Commons, to which he had before referred, was this:—'That from the opinion given by the law-'officers of the Crown, your Committee 'must conclude, that the legal right of ap-'propriating the revenues arising from the 'Act of 1774, is vested in the Crown; but 'the real interest of the province would be 'best promoted, by placing the receipts and 'expenditure of the whole public revenue 'under the superintendence and control of 'the House of Assembly. Your Commit-'tee, while recommending such a concession 'on behalf of the Crown, are strongly im-'pressed with the advantage of rendering 'the Governor, the members of the Ex-'ecutive Council, and the Judges, inde-'pendent of the annual votes of the House 'of Assembly for their respective salaries.' In pursuance of that proposal, his noble friend (Lord Aylmer) had proceeded to his appointment, and, relying upon the good faith of the House of Assembly of Lower Canada, had surrendered all the revenues of the province into their hands, fully expecting to receive that fair and honourable treatment which such confidence deserved. In this confidence, however, he had been disappointed: he had been met only with revilings and refusal. It was not lightly, nor upon insufficient authority, that he now brought forward this charge against the House of Assembly, for he held in his hand the resolution of the Assembly in 1828, to the effect that it would be expedient to render the Governor, Judges, and other Executive functionaries, independent of that House for the payment of their yearly salaries. On the passing of this Resolution, Government had proceeded in a sort of medium course, and, by a temporary arrangement, deducted the salaries of its officers from the original Crown-dues. But the House of Assembly then persisted in including their amount in the general Estimate of the Civil-list. On this, his noble friend and predecessor offered to take 35,000*l.* in consideration of their expenses, provided the Legislative Assembly would consent to make a permanent provision to that extent. This, however, was refused. It was in 1831 that his noble friend made this proposal to the Assembly of Lower Canada, and at the same time made proposals of a similar nature to the Assembly of the Upper Province. From the latter Assembly he received in reply an Address of Thanks, for the kind manner in which his Majesty had met their wishes in that particular, and they offered to secure a permanent Civil-list for the maintenance of his Majesty's Government and the Judicial Authorities. Upon the strength of these assurances, his noble friend had brought a Bill into Parliament in conformity with the plans they proposed, placing full dependence upon the word and honour of the House of Assembly, that they would forthwith make the Judges independent of the annual vote of the Assembly. But how did the event turn out? Had the Assembly made any such permanent provision? No. They pretended to pass an Act regulating the condition of those officers, and, amongst other things, enacted that they should hold their offices for life; but they had not fixed what salaries they were to receive. They pretended to establish the independence of the executive officers of the Crown; but they at the same time assumed to themselves a right of impeachment over all the high officers of the State. The Legislative Assembly passed that Bill; but it was afterwards declared to be inadmissible to the Royal sanction, not by him (Mr. Stanley), but by his noble predecessor who was then in office. His noble friend had signified his dissent to that measure, and at the same time stated, that his Majesty would for the future provide for the salaries of his judicial functionaries out of the revenues already in the hands of the Government. The House of Assembly in various other ways, continued to assume a right of interference in the executive powers of the Crown, as in the appointment of officers, and other similar matters, with which they had no right to concern themselves. If the executive powers of the State were thus to be made continually dependent upon the control of a popular Assembly, instead of the discretion of those intrusted with the duties of Government, it would be better to hand over the whole of those executive powers at once into their hands. He was sorry to trouble the House with so many details, but he must state one or two particulars to illustrate the conduct of the Assembly. It so happened, that the district of Gaspe, one of the few places in Lower Canada where English influence rather predominated, had been some time ago represented by a gentleman of the name of Christie, who had been indiscreet enough to displease by some publication, the party paramount in the House of Assembly, and on his appearing to take his seat there, it was determined that he was not a fit person to sit with them. He was re-elected, and five or six times in succession, no longer entering into any discussion on the point of his qualification, they expelled him after each re-election. Now, in this instance, whatever might be the private opinion of individuals, so strongly did the Government feel that they could not interfere with the privileges of the House of Assembly, that not the least hesitation was manifested at issuing the respective writs which the Assembly in this instance ordered. With regard to M. Mondelet, he had accepted the honorary appointment of a Councillor, for which he received no emolument whatever. There was no law subsisting in the colony which required the vacating of a seat in the Legislature on accepting an appointment. They, however, determined that all persons who for the future should accept offices of emolument under the Crown should vacate their seats in the Legislature; they sent this Bill to the other branch, and passed a Resolution, that even before it received the Royal Assent, it should have the force of law in the colony. Now, M. Mondelet did not come within the provisions of this enactment, either in the letter or in the spirit, yet the Speaker was ordered to issue his writ for a new election, in consequence of M. Mondelet's having accepted a place of profit under the Crown. He spoke under correction, but he spoke on very high authority, when he said, that the House of Commons knew its own privileges and the rights of others too well to arrogate to itself the power of making laws without the consent of the other branches of the Legislature; and if the Great Seal was ordered to be affixed to any such illegal enactment, the Chancellor of Great Britain, whose office the Governor of Lower Canada filled, would not permit that order to be executed. He really hardly knew how to follow the hon. Gentleman through the many points his speech presented; but he would touch on what the hon. member was pleased to call the massacre at Montreal. Now, this formidable phrase meant, in fact, nothing more than an election disturbance, in which two or three persons were unfortunately killed. The Grand Jury, whose functions had been but recently modelled, and modelled after the Grand Juries in England—by the way, great praise had been bestowed by the Judges on the manner in which the very perplexing provisions of the act to establish Grand Juries in Canada had been met—ignored the bill preferred against the individuals who were charged with the murder, and an address, signed by 7,700 persons, out of a population of about 21,000 inhabitants, expressed the high sense which those who had signed the address entertained of the temper with which these election proceedings were conducted. The House of Assembly instituted an inquiry into the circumstances; they summoned witnesses; they examined papers; and finding they could at that time make nothing of it, adjourned the inquiry to the next Session. It was then resumed, and made the pretext for postponing the writ for this the most important city in Lower Canada, and the principal mart of commerce was kept for a year and a-half without a representative, the assembly alleging that it was not proper to issue a writ for the city during its then riotous state. He believed, that in doing this, the Assembly had only in view the exclusion of British influence. He was glad, that in Upper Canada at least, there existed no difference in their language, their religion, and their laws, and though there were certainly some variations in opinion entertained on what engendered the most vehement feelings of antipathy — religion, they had not risen to anything like animosity. He would beg to refer to part of the evidence delivered before the Committee of 1828, by a gentleman whose opinions, from his practical knowledge of the Canadas, were entitled to the greatest weight — he meant his right hon. friend, the Secretary at War. His right hon. friend stated, that the great object of the French colonists was, to maintain themselves in the condition in which they had up to the present time remained, and that if he were in their situation he might reasonably form the same wishes, but that these objects could only be effected at the expense of sacrificing British interests, and of retarding all improvement. There was no person more studiously desirous than he was to preserve the engagements which this country had entered into with the Canadians, and maintain them in the free exercise of their religion; but, at the same time, they had a duty to perform in promoting the influx of British capital and protecting British settlers going into the province. This was a struggle which had long been going on between the British inhabitants and French seigneurs; the latter being apprehensive of danger to their feudal tenures. That, at some future period, the two provinces would be re-united he had not the least doubt, but at the present time he felt an unwillingness to recommend to Parliament this step, and he had stated in his despatch, that he was averse from interfering in any manner with the charter, though he had little doubt that, ultimately that would be necessary, as the only means of restoring harmony between all parties. Their great grievance was the Canada Tenures Act. The allotments of land in the back settlements were granted out by that in free and common soccage, and were intended to be subject to the English laws of property, without interfering with the rights of the seigneurs over land already appropriated. Difficulties had arisen as to the interpretation of passages in the Act of Parliament of 1791, which it was found could not be dealt with by the Canada authorities; and Parliament, as it was justified in doing, stepped in to interpret its own Act. The Crown, which was in the place of seigneur paramount of the whole province, offered all the seigneurs the choice of holding in free and common soccage, instead of by feudal tenure, and this without levying any fine, provided only they would deal in like manner with all persons who held under them. It was voluntary on their part; but only two or three had taken advantage of it, while half the seigneuries lay waste and unoccupied. But how that law could injure the seigneurs, as it did not interfere with them, he could not understand. It was idle to suppose, that the interest of the French inhabitants could be affected by such a course of proceeding. On the contrary, the Canada Tenures Bill was calculated most materially to benefit the province and the great mass of the inhabitants who were French Canadians. He would now address himself to the cases in which complaints respecting the conduct of the Government had been made; and h challenged a rigorous investigation into the facts and circumstances of each case. The first was the seminary of Montreal, the rights of which, he begged to say, were held in considerable doubt. This seminary was originally attached to that of St. Sulpice, at Paris. It now exercised the functions, and enjoyed the privileges, of seigneur of Montreal, amongst which was the power of imposing taxes and duties. The House would immediately perceive how excessively onerous this must be in a large commercial town like Montreal. He believed he was correct in stating, that a tax, amounting to one-fifth on every mutation of property, was levied there. The Law Officers of the Crown had given an opinion against the fact of those rights being vested in the seminary. The rights and revenues had been originally granted for the conversion of the infidels; now they were turned to the purposes of education. An adjustment of the claims of the seminary had been proposed; and what, he asked, were the terms offered by the Government? It proposed to grant to the seminary the whole amount of its annual revenues, taking an average of the receipts for the last ten years; and, moreover, they further pledged themselves, that, if any surplus arose from the revenues, upon the payment of this annual allowance they would place that surplus in the hands of the House of Assembly for purposes of education. Next, as to the complaint, that the Legislative Council was not made elective, he contended that, in a country where the mass of the population were French Canadians, while almost all the property, with the exception of the land, was in the hands of the British inhabitants, and when the House of Assembly, from a jealousy of their own laws and privileges, showed an aversion to the settlement of British capital in the province, and threw continual obstacles in the way; if they were to make the Legislative Council elective, it could have no other effect than that of not only abrogating the power of the Government and of the Executive, but, moreover, the rights of British subjects, which he, for one, was not prepared to surrender to any means of intimidation which any body of men could employ. He would meet their efforts, however, with constitutional resistance, by keeping in the hands of the Government the influence over a body which, while it could not interfere with the functions or privileges of the House of Assembly, would yet act as a shield to all classes of his Majesty's subjects; and would, without reference to the popularity of their proceeding at the moment, see that all were protected, let the assault come from whatsoever quarter it might. The last charge was, that they had not admitted a fair proportion of French Canadians to public offices. It was alleged, that, out of 214 public functionaries, only forty-seven were French Canadians. Now, it was the very nature of a colony that, in order to preserve the connexion between it and the mother country entire, many officers should be brought from the latter. How were the facts of the case? Of the 214, 125 were of British origin, and born in these countries, and eighty-one were born in the Canadas; and of those eighty-one so born in the Canadas, thirty-one were of British parentage, and fifty of French Canadian parentage. This was the fair way to take the proportion of the French Canadians employed by Government, not as compared with those sent from the mother country, and with the British-born Canadians, but simply and solely with the latter. It was true that, of nine Judges three only were French Canadians; but when the hon. Member said, that the Judges, like the Legislative Council, were not connected with the colony, he said that which was altogether incorrect. There was not one of these Judges from this country. They were all gentlemen from the bar of Canada, who had adopted Canada as their own, and had raised themselves to the bench by successful professional exertion. He was satisfied to rest the defence of the Government—not of himself alone, but of his predecessor—upon the statements he had that night made. He was desirous of having them subjected to the most rigorous investigation, limiting it, however, strictly to the subjects which had been made the foundation of charges against them. He would freely give any despatch he had written, together with the answer he had received; and he hoped the documents he would so cheerfully furnish, would not alone be examined, but re-examined, and cross-examined. The Government was on its trial; and he hoped it would have a full, fair, and impartial one. There was another question to which he would briefly refer, and that was a financial one. He had to state, that he should feel himself compelled to come before them in consequence of the violation of the implied pledge of the Legislative Assembly, with his noble friend, when he brought in his Bill, in 1831, which conferred on the Assembly the power of voting its own supplies. It was then understood, that the Assembly would provide permanently for the maintenance of the judicial establishment in the colony. That they had failed to do; and as it was not to be tolerated that the Judges should be left dependent upon the annual grants of a popular Assembly, he should feel it his duty to propose a Bill for suspending the Act in question until the Legislative Assembly had redeemed their pledge, and made a fitting permanent provision for the judicial establishment. He trusted, in asking this, he was not going too far, when he was, at the same time, ready to make the stipulation, that, after the condition had been complied with, the whole of the revenues should be given over to the authority of the Provincial Assembly. He would not dwell upon the topics insisted upon, or the expressions used in the recent Resolutions of the Legislative Assembly. Great praise was conferred upon two hon. Members of that House,—the hon. member for Dublin, and the hon. member for Middlesex,—praise which, he doubted not, was most sweet to their ears: they were described as the champions of the rights and liberties of their respective countries, even in the worst days of Tory Government; and applauded, as sharing the liberal and enlightened feelings of the Legislative Assembly of Lower Canada. After professing their attachment to Great Britain, the Assembly proceeded to talk about the institutions of America, and to indulge in the expression of such extreme opinions, conveyed in such objectionable language, that he would not trust himself with any comment upon them, lest perchance he might lose his temper, against which the hon. Member had so courteously and so kindly cautioned him. In conclusion, then, he would move, as an Amendment upon the Motion of the hon. Member, "That a Select Committee be appointed to inquire and report, whether the grievances complained of in 1828, by certain inhabitants of Lower Canada, had been redressed, and also whether the recommendation of a Committee of that House, to whom the question of these grievances was referred, had been complied with on the part of the Government; also to inquire into other grievances now set forth in the Resolutions of the House of Assembly in Lower Canada, and report thereupon to the House."

Mr. *O'Connell* said, that, from the aspect things had assumed, he would advise his friend to withdraw his Motion and allow the amendment to succeed, placing the inquiry upon the responsibility of the Government, as he was sure it would be of great use to those colonies. He would not enter into details, but merely express his opinion that to take into consideration the vital interests of our colonies would, even as a precedent (putting out of the question the positive and practical good effected), tend to strengthen the social link between the mother country and her dependencies. A reciprocity of confidence, of justice and support—and these were great things—would be promoted. With respect to the legislation, he (Mr. O'Connell) thought the decision of the Upper House in the colonies worth nothing. The Resolution alluded to was carried by a simple majority of three. Surely a decision of such an assembly, adopted by so small a majority could not, in common fairness, be considered as representing the opinion of the whole colony. It was one thing to say, that there was a majority of the Assembly, and another thing to presume, that those persons would be again elected by their constituents. Let the real condition of Lower Canada be looked to. There were 550,000 native Canadians, and only 75,000 British. Unquestionably the great preponderance of the native population would, as it ought, produce a feeling favourable to the interests of the people, and in some degree unfavourable to the British interest. Again, the difference of religion (and here the balance was struck in favour of the natives against the British) must have naturally operated as another cause of discontent, especially if religion were made one of the instruments of domination. Again, not more than one out of three Justices were landlords, and of the Judges not one-third were landlords. It appeared, too, from the list which he held in his hand, that the majority of the Legislative Council were public tenants under the control of the Crown, or adventurers who had no stake in the colony. It was a monstrous anomaly to invest the Crown with the appointment of the Legislative Council, which was only the creature of its own will. A body to legislate for the good of the people should be elected by the people. The example of the United States was enough to teach the Canadians, as it ought to teach all who valued a pure, salutary, and practical system of representation, that the dominion of a foreign Government was not one of the wisest or the best instruments to be used in promoting the prosperity of any people, and that a free and effective election of public functionaries by the people who paid them was the best mode of carrying the public business to a successful issue. Then, as to the ministers of religion, he was sure, that the Canadians would sooner die than submit to have their Catholic clergy degraded. That was the reason why the English law as to property was opposed. It would deprive the Catholic clergy of every foot of ground. Then again with respect to voting the supplies, why should not the assembly have the control of every item of the expenditure? That assembly had made no grant to the Judges, because if it did that, it might not be called together at all. As to the case of murder in Montreal, these two facts were plain—the Government had undertaken the prosecution, and there had been no trial. The blood that had been shed was yet unatoned for. Such being the case, the Legislative Assembly had a perfect right, it was their duty, to adopt the course they had pursued. But it was said by the right hon. Secretary for the Colonies that the inhabitants of Lower

Canada were opposed to improvement. By that he supposed it was meant that they would follow their own judgment which they had a perfect right to do. Was not the property in the province their property? Assuredly it was; and they had a right not merely to appoint the Legislative Assembly, but also the Legislative Council. That concession ought, in good policy and sound justice, to be made to them. The Crown would still possess ample authority; and, in fact, the only authority it could possess in accordance with its best interest and the peace and prosperity of the colony. The concession of the Committee of Inquiry rendered it unnecessary for him to go any further into the question; but he could not resume his seat without protesting against any project for a legislative union between the two provinces. Such a measure must produce the worst results, and excite disturbances not to be quieted but by the alienation of the Colonies. Let the Government act wisely, and give to the Canadians the appointment of the Legislative Council, as well as of the Legislative Assembly, and the present difficulties would be overcome.

Mr. *Hume* said, the triumph for Lower Canada, which had been achieved through the Motion of his hon. friend the member for Bath, in the concession of the appointment of a Committee of Inquiry, would have induced him to refrain from addressing the House upon the question, had not the right hon. Secretary for the Colonies particularly alluded to him in the course of his speech. He would tell the right hon. Gentleman that he would much rather be considered as the protector of a distant people than the oppressor of our own subjects. He would tell the right hon. Gentleman that since he had presided in the Colonial Office, discontent had prevailed in the colonies at the insults and injuries they had received, and they had been induced to study seriously how they could best protect themselves. Much had been said of the spirit which prevailed in Lower Canada; it was said that it was averse to the British connection; and in support of that assertion reference was made to the majorities in favour of the similar measures adopted by Government in Upper Canada. He would tell the right hon. Gentleman, and those who credited such representations that the majorities favourable to the recent measures of Government in Upper Canada were obtained by corruption and bribery. But, notwithstanding the most gross and extensive corruption in Upper Canada, the majorities for the Government measures had been trifling, while in Lower Canada, the votes had been two to one against them. Had the right hon. Gentleman pursued the course taken by his predecessor, Lord Goderich, the state of affairs at the present moment would have been very different from what it was. When Lord Goderich found that the Attorney and Solicitor General had misconducted themselves, he at once suspended them, and his conduct drew forth the gratitude of the colony; but the right hon. Gentleman, as soon as he entered upon office, appointed one of these Gentlemen to a superior office in Nova Scotia, and sent the other back to Upper Canada, as if to exhibit a triumph over that portion of the people who had required his removal. To make a colony beneficial, the mother country must carry with it the hearts of the people, and that could never be the case in Canada while the Crown pretended to a revenue independent of the Legislature. Would the people of this country endure any such pretension? What would be said if the Crown in the United Kingdom should claim a revenue independent of Parliament? He, therefore, disapproved of the conduct sanctioned by the right hon. Gentleman with respect to the reserved revenue. The Crown ought at once to have conceded all right to that revenue. But the effect of the two systems was best seen in its results. Lord Goderich had been thanked throughout the colony, and the right hon. Gentleman had been censured, and in as severe terms as language could apply. He would not then read the Resolutions adopted, but it was evident from them that the Legislative Assembly, as existing, was an alien to the sympathies of the people. He was glad there was to be a Committee of Inquiry, but he should regard that Committee as worthless if it were not impartially selected. That was a point of great importance, for if it were composed of Members not ready and anxious to go fully into the question it would give no satisfaction. It was impossible to keep up an aristocracy in the colonies as had been proposed by Sir George Murray. The contiguity to the United States rendered any such scheme impracticable, and it must be abandoned. He was astonished that Government had not long since seen the impossibility of preserving its authority in the colonies unless they were allowed the entire control of their own finances. The right hon. Gentleman had declared his anxiety to do justice to the Canadians, and the right hon. Gentleman was pleased with his own exertions in that behalf; but there was not one soul in the colonies who did not condemn them. The persons principally to be affected by the inquiry were at a distance and without Representatives in that House, and that was another reason why the Committee should be impartial and efficient.

Viscount *Howick* rose rather to correct some errors into which hon. Members had fallen than to discuss the question at large. Indeed, as a Committee of Inquiry was to be appointed, such a discussion at that moment would be ill-timed. The two hon. Members who had spoken last had stated the great point in dispute to be whether or not the colony should be permitted to exercise a full and efficient control over the public purse. He was most decidedly of opinion that it should; but that, in fact, was not the question; and he must do the Government of the Duke of Wellington the justice to state, that it was not the question even while that Government was in existence. That Government and the present had fully admitted that right, and had acted up to that admission. The chief point now in dispute was whether or not the salaries of the Judges should be permanently fixed; in fact, whether or not the Judges should be independent of the Assembly, in as far as remuneration was concerned. The hon. and learned member for Dublin had complained that the Roman Catholic clergy in Lower Canada were hardly dealt by. The hon. and learned Member must have been entirely misinformed. Ever since the conquest the utmost care had been taken to prevent the possibility of any such complaint being made with justice; and he was quite sure that if the hon. and learned Gentleman would inquire fully into the matter he would find the real state of the case to be that the Roman Catholic clergy regarded the party of Mr. Papineau as far less favourable to them than the other. The hon. and learned Member again had completely misconceived the case when he stated that the Government had denied the right of the Legislative Assembly to expel its Members. The fact was the reverse. In the one province, Mr. M'Kenzie, and in the other Mr. Christie, had been expelled, and the Government, however wrong it might have thought the expulsion in each case, did not at all question the right, although it questioned the manner in which it was exercised, and issued the writ as requested. The case, however, of Mr. Mondelet was very different. He, in fact, was not expelled, and, therefore, the Governor refused the writ. The circumstances were these:—A Bill was in progress rendering an acceptance of office a disqualification for a seat in the Assembly. Mr. Mondelet accepted a mere honorary office, and the Legislative Assembly having passed a Resolution to the effect proposed in the Bill, applied for a new writ, on the ground that Mr. Mondelet had vacated his seat. Of course the Governor refused the writ, for Mr. Mondelet had not been expelled; and to have allowed a simple Resolution of the Legislative Assembly the force of law would have been to have given that body the entire power of the Legislature. He regretted deeply that the affairs of Lower Canada had come to the present pass. Ever since he had had a seat in that House he had taken a great interest in the subject; and when he sat on the other side of the House he had, with his right hon. friend (Mr. Stanley) and Mr. Huskisson, strongly opposed the plan of Sir George Murray for retaining a part of the reserved revenue as a provision for a Civil-list. He had considered that it was much better for the Crown to concede its rights, than to come into conflict with the Assembly, for he had then a full conviction that the Assembly would permanently provide for the salaries of the municipal and judicial officers, and he was now extremely sorry to find that expectation had not been realized. With respect to what had passed during the last twelve months he could not, of course, pretend to any knowledge, but he did know that even when he left office the aspect of affairs was very threatening. In the appointment of the Committee he rejoiced, for he hoped and believed that it would lead to some plan which would effect an amicable adjustment of the difficulties. He also hoped that the Members on the other side who possessed, unquestionably, great influence in Lower Canada would exercise that influence rather to soothe than to exasperate.

Mr. *Patrick Stewart* rejoiced that the subject had been brought forward, for he was convinced that if peace were to be restored in Canada it must be by instituting an inquiry into the complaints. After the great colonial measure of last Session he thought the House might well be bold in colonial improvement. He was also glad of the distinction which had been kept in view between the two provinces. Indeed, when he read the notice of Motion as given by the hon. member for Bath, it excited his astonishment, for although he knew that that hon. Member was connected by descent and residence with Canada he could not conceive how he could make out a case of inquiry as applicable to both provinces. There was but one mode, in his opinion, of remedying the evils now disturbing Lower Canada, and that remedy was a legislative union between the two provinces. He was convinced that nothing but a restoration of the old bond of union would overcome the difficulties which were now so severely felt. He approved of the conduct of Government with reference to the reserved revenue. The understanding three years ago was, that the Civil-list should be permanently voted; and yet no permanent provision had been made even for the Judges. Inquiry, however, was absolutely necessary for the satisfaction of all parties, and he, therefore, rejoiced to find that a Committee was to be appointed.

Mr. *Roebuck* contended, that if there had been any breach of good faith it rested with the Government, and not with the House of Assembly. As a proof of the violence that had been offered to the popular feeling, he would only direct the attention of the House to the attempts which had been made by the Legislative Council to nurse an English party into existence in opposition to the French inhabitants, and to the attempts which had been made by the Judges to suppress the use of the French language in the Courts of Law. They did not succeed, indeed, because the people resisted those attempts. Could it be said that nothing hád been done to excite the people's jealousy, while unjust distinctions were kept up; and attempts were made to establish a Protestant Church—the greater part of the population being Catholic? How could it be expected that people would contentedly see efforts made to set up a Church for which they were to pay, in which they felt no interest, if they did not entertain towards it a decided hostility? There ought to be no distinction of a religious description—no distinction of classes of the people; and till this was obtained, he hoped that the exertions which had been made to get such distinctions abolished would be continued. Again, he contended that the colony had a complete right to control the expenditure of every farthing of money, for all the revenue of the colony came from their labour and from no other source. He begged leave to withdraw his Motion.

Motion withdrawn.

Mr. Secretary *Stanley* moved for the appointment of a Committee, to inquire how far the grievances complained of by the inhabitants of Lower Canada in 1828 had been redressed.

Committee appointed accordingly.

COMMUTATION OF TITHES (ENGLAND.)] Lord *Althorp* rose to bring forward his Motion on the subject of Tithes. The noble Lord observed, that, as he should have to occupy the attention of the House for some time in the explanation of his details, he would not detain them by any prefatory remarks. The question of tithes was, certainly, one of the greatest importance to all connected with the landed interest; and though there might be much difference of opinion as to the actual right to tithe, he thought there could be none as to this,—that, whoever else might have the actual right to tithe, that right did not reside in the present landowners of the country. He might assume, therefore, that the opinion of the House would be the same; and, without going to abstract rights, he might assert, that as long as the Established Church required the aid of tithes, that Church had a claim to them prior to all others. He repeated, whatever opinions might be entertained on the abstract right, there was no one who would maintain that the right belonged to the owners of the soil.—The noble Lord here observed that his right hon. friend (Mr. Secretary Stanley) had just reminded him, that he was proceeding in rather an irregular course; for that the proper mode would be to move the subject in a Committee of the whole House. He had to apologise for his omission in this respect, for which he admitted he could not plead ignorance of the usual forms; but he would state—what was the fact, that he had forgotten it at the moment, owing to the unexpected length to which the previous debate had extended. He would now move the Order of the Day, that the House do resolve itself into a Committee of the whole House, to consider the Resolutions of which he had given notice.

The Order of the Day was read, and the House went into Committee.

Lord *Althorp* then resumed: He was saying, that, whatever opinions might be held as to the abstract right to tithes, there could, he thought, be no difference as to the question, that they did not belong to the owners of the land. Another position, of the truth of which he was satisfied from all the inquiries he had made on the subject was, that, in the present state of the country, the revenues of the Established Church in this kingdom were not larger than that establishment required for its proper maintenance. There might be, and no doubt there were, differences of opinion as to the mode in which the revenues of the Established Church should be applied; but he thought it would be admitted, that the amount of those revenues was not greater than the establishment called for. As to the policy of a Church Establishment, he would not enter into any argument, for he presumed, that the great majority of those whom he then addressed concurred with him in thinking, that an Established Church, as connected with the State ought to exist. He assumed that position, therefore, as one which would be admitted by the majority of the House. He had already said, that the landowners had no right to the tithes. They had purchased or inherited their property, subject to the payment of tithe; and whether members of the Established Church, or Dissenters from it, the same rule applied,—that they had purchased or inherited the nine-tenths of their property, the remaining tenth belonging to the Church. They could not, therefore, complain of that tenth going to other hands, for they had inherited, or made their purchases, subject to that condition. Indeed, he believed, that even the Dissenters made no complaint on the ground of the tenth. In dealing, then, with this tenth, and in any regulation as to the mode in which it was to be collected, it would be admitted, that, if the Legislature appropriated it in its present shape, they were bound to give a fair equivalent to those from whom the Legislature took the property. He knew it might be said, that if a fair equivalent were given for the tithe, it would be no relief to the occupiers of land. From this opinion he differed, for there was in the mode of collection a source of irritation, which would be got rid of in the plan which he was about to propose. The tithe-payer and the tithe-owner were now frequently brought into unpleasant collision, which might be avoided by a new mode of paying the tithes. This would also be a relief to owners and to occupiers of land; for it was well known that the occupiers of land, whose capital was expended in the cultivation of the soil, were often losers when the tithe was drawn in kind. An exchange of the mode of payment would, therefore, be a great relief to those classes. In many cases a composition for tithe had been entered into; but this was as he had been informed from many quarters, not entered into on equal terms between the parties; for, if the tithe were, drawn in kind, there was a loss to the occupier, and the amount of composition for such tithe was often greater than the occupier ought, in justice, to be called upon to pay. The plan which he was about to propose would give relief to the occupier of the soil, and be of use to the labourer, by giving to the latter more employment; for it was well known, that, in most instances, an increased quantity of labour would be employed on land, if it were not for the certainty, that, in proportion to the productiveness of that land, there would be more tithe to pay. The commutation of tithe, then, would be an advantage, not only to the occupiers of land, but also to the labourers, who would thus get increased employment. But when he spoke of commutation, he did not mean to say, that a full equivalent should be given equal to the full legal right of the Church to the tithe. He believed it would be difficult to ascertain that, and impossible to exact it. He would take, as the basis of commutation, the customary payment. That, he thought, would be a fair basis for the commutation for no one now took what was the legal right. Many circumstances increased or diminished the value of the tithe,—such as the distance from a market-town, the difference of soil, and the expense of cultivation; so that it was a matter of great difficulty to ascertain what was the value of the legal right. The best way, as he had stated to the House last year, was to take the customary value. He must here observe, that he still adhered to the principle of the measure which he had brought forward last year; but, while he adhered to the general principle, he would admit, that some of the details were open to strong objections; for that measure gave an advantage to those who had exacted the full amount of their tithe, in giving them more than was strictly their due, while it would have inflicted an injury on those who had been liberal to their tithe-payers. Another objection to the plan of last year was, that it fixed a never-varying standard, according to the present value of the tithes, which was not fair to the owner of the land, when the value of the land altered against him. He thought, therefore, that the principle of a corn-rent should be abandoned. That principle was just while only the change in the value of money was contemplated; but it was not just if the value of the land itself underwent alterations; for these reasons he had determined to abandon both the principles of taking the value of individual parishes, and subjecting the land to a corn-rent in lieu of tithes. The principle which he meant to propose was, that tithe should bear a fixed proportion to the rent of land,—that was, that if the rent rose, the tithe should rise; and if the rent fell, the tithe should fall in the same proportion. He meant the real value of land, not the rent paid by the occupier, which might be open to fraud. He would also propose, that the tithe should be paid by the owner, and not by the occupier of land. He would add, that in few instances only an actual valuation of land would be necessary. The actual rent would, in most cases, be sufficient and satisfactory to both parties. He was aware that some objections would be made to this principle. It was true, also, that rent and tithe did not depend on the same principle; and, therefore, in some instances, the tithe ought not to depend on the rent. There was, also, a distinction to be made between arable and pasture lands. The tithe was considerably higher on the former, in proportion to the value of the land, than on the latter; but he thought there would not be much practical difficulty in arranging that; for they had a guide in a principle adopted in most enclosure bills, in which, when land was given in lieu of tithes, a larger amount was given for arable, and a smaller for grass land. But there was another distinction which presented a greater difficulty. It was, that where the rent was low, the tithe bore a greater proportion to its amount than where it was high;—that was to say, that where the expense of cultivation was great, and the produce little, the rent, compared to that expense, was necessarily small, while it was necessarily large upon land that yielded more at a less cost. The tithe, however, if the produce were the same in quantity, would be the same in both cases; and would be consequently great in proportion to the less rent, and small in proportion to the greater rent. If, therefore, they endeavoured to have the tithe apportioned to the rent, according to the present amount of tithe, they would have to give a large amount of tithe where the rent was low, and a less where it was high; but it would be difficult to make any scale of this kind in an Act of Parliament. In fact, an attempt to accomplish that would so complicate the measure as to render it impossible of execution. He was aware it might be said, that the effect of the Bill apparently would be, to give advantage to the proprietors of the poorer soils; but he trusted that, when the whole of the provisions of the Bill were in the hands of hon. Members, they would not make that an objection. Before he proceeded further, it would be necessary for him to define what arable land meant, and in what senses he used the words arable and pasture when he sought to establish a distinction between them. He should not consider any land arable unless it had been broken up at some time within the preceding five years. It was probably known to many hon. Members then present, that he had circulated various inquiries on the subject of tithes, with a view to the present measure; he was perfectly ready to admit, that he had no right whatever to make those inquiries, but he had circulated them, knowing that people generally were very desirous for a commutation of tithes, and they might therefore be not indisposed to furnish the information he desired. That they would furnish such information he fully expected, and in that expectation he had not been disappointed. The answers to his queries had certainly supplied him with a great number of facts, though the information thus received rather enabled him to ascertain what he could not do, than afforded him any assistance in judging of what he could. The answers did not furnish him with the means of forming any scale for the apportionment of tithe to rent, founded upon the amount of rent actually payable; one fact, however, those answers placed beyond all question was, that the proportions subsisting between rent and tithes were most various, and that any attempt to apply the same rule in all cases could not fail to operate most unequally. The effect of a rule supposed to be generally equitable would in some cases amount, as he had ascertained, to nothing less than an increase upon the existing tithes, equal, perhaps, to twenty-five per cent, while in others it would prove a diminution to that extent. He was, therefore, satisfied, that, it would be impossible to establish one unvarying rule for the whole country. He wished, therefore, to establish different proportions in different districts, and by grouping together those districts which were alike, and separating those which were dissimilar, ascertaining the average proportions in each, the object he had in view would be, he thought, fully accomplished. The course he proposed to adopt was, to fix a different proportion for each of the different counties of England and Wales, and the manner in which that object was sought to be effected he should endeavour to explain as clearly as he could; but he trusted that the House would extend to him no small share on that occasion of the indulgence which he was in the habit of experiencing at their hands, for the question was one of difficulty and complication, and, therefore, one which he found it not easy to lay before them as satisfactorily and as plainly as he could have wished. It was intended, under the Bill which he proposed to introduce, that an actual valuation of the land should take place in all the parishes in England and Wales, but that separate valuators should be appointed for each county, the object of such valuations being to ascertain the value of the land, both arable and pasture; at the same time the valuators should ascertain the payment on account of tithes during the last five years. When the land had been valued, and the amount of tithes ascertained (distinguishing the lay impropriations from the tithes payable to ecclesiastical persons), the sums were to be laid before the Court of Quarter Sessions, and by that tribunal the proportion subsisting between the rent and the tithes was to be ascertained, and likewise it would be the duty of the same Court of Quarter Sessions to determine what proportion of the burthen should be borne by arable, and what borne by pasture land, so as to preserve the relative pressure upon each in a condition as little altered as possible from its present state, and at the same time to maintain a proportion between rent and tithes as nearly similar as might be to the previously existing proportion between them, the whole being calculated on the average of the county at large, and not confined to particular parishes. He could not conceal from himself that the whole of the plan might at first view appear exceedingly complex, but he looked forward with perfect confidence to its eventually allowing great facility of operation. The hon. Gentleman opposite, the member for Essex, when the same subject was under discussion last year, inquired how the tithe of hops was to be regulated? He was prepared, so far as the present plan was concerned, to give an answer to that question; and it would be, that hop gardens were to be considered as arable lands, but were to be subject to an additional payment of 10*s*. an acre. Having made that one remark, he should now proceed with the remaining parts of the proposed measure, requesting the House to bear in mind, that the intended valuation was not to be considered final: on the contrary, he intended to allow an appeal to a barrister appointed for the purpose of reconsidering any decision which might occasion sufficient dissatisfaction to bring forth an appeal. He had now stated the general principle of his plan of commutation; and he begged to remind the House, that one of the objections to the Bill of last year was obviated by the present plan; for it was alleged against the former measure, that while it would confer an advantage on the harsh and severe collector of tithes, who exacted the uttermost farthing, it would deal unfairly with those whose mode of enforcing their rights was more lenient. Now, with that species of inequality his present measure would entirely do away; for no man would be enabled to derive benefit from the severity of his exactions, inasmuch as the calculations would be made upon whole counties; and thus the enforcement of extreme rights in one quarter would be countervailed by the leniency to be found in others, and equal justice dispensed. He was not insensible to the difficulties likely to arise from moduses and customary payments; but, he trusted, that when the Bill came to be examined, it would be found, that it did not interfere with the present existing rights under moduses. It would not be easy for him then to explain the manner in which that object was attained; but he was persuaded that the Bill would fully accomplish it, and he requested, that hon. Members would suspend their judgment on the point until the Bill, in a printed form, came into their hands; he should, however, make this remark on the subject of moduses,—that he thought it would be inexpedient to introduce them into the general calculations for counties, but to let each individual modus stand as a separate case, without diminishing the whole amount for the county; and accordingly the Bill so provided. Thus was another of the difficulties of last year removed. The present measure would be likewise relieved from the disadvantages of a fixed annual payment of a specific amount, for that species of payment created a mode of dealing with tithes which he conceived to be most objectionable, for eventually any such fixed annual payment might absorb the whole value of the land; and he believed, that the plan which he then had in view was the only measure yet proposed which could be considered as guarding effectually against the total absorption of the value of the land by the introduction of a scale which should always maintain between the rent and the tithe a certain unvarying proportion. He felt, that the plan he was then laying before the House was still liable to the objection, that it did not purify the tithe system from its tendency to check the investment of capital in the improvement of land; but though he did not directly declare that tithes were to remain stationary, while land went on indefinitely improving, yet in effect he hoped to be able to obviate every thing material that might be found in the very plausible objection to which he was then alluding. If he did not in so many words declare, that the further employment of capital was to be tithe-free, he should, at least, afford every motive and facility for preventing its injurious operation upon the investment of capital, by giving to tithe-payers an easy and equitable mode of redemption. He would give to the owner of the land, whether he paid his tithe to the clergy or to the lay impropriator, the right of redeeming the tithe at a certain number of years' purchase. He proposed, that the payment for that redemption should be twenty-five years' purchase—a rate which he thought would be considered fair, as the owner of the tithe might invest the money at four per cent, while the landowner would secure to himself the full prospective advantage of any amount of capital which he might think proper to invest in the improvement of his property. The sum which might so be paid under that plan of redemption on account of clerical tithes would clearly be clerical property, and might, of course, without the least objection, be placed at the disposal of a clerical Commission. He should, therefore, propose that in every diocess, the Bishop, with such other Commissioners as he might nominate, should receive the amount paid for the redemption of tithes, and invest the same in land, or other securities for the future advantage of the incumbents of those livings whence the tithes were derived. In order further to facilitate redemption, he proposed, that when the payers of tithes did not find it convenient to discharge the whole sum at once, they might be at liberty to render it an incumbrance on their properties in the nature of a mortgage, but without giving the mortgagee the power of foreclosure—that it should be, in effect, a mortgage, bearing interest at the rate of four per cent, but redeemable at the option of the borrower. He could not deny, that there might be some difficulty as respected the redemption of lay impropriations, but he did not despair of getting over even that; at all events, this plan might be adopted, and he intended to propose it,—namely, that in such cases the payer of the tithe should lodge his redemption money in the Court of Exchequer, to be drawn thence by the person who should prove himself entitled thereto. Doubtless, that plan involved some legal expenses, but he did not see how difficulties of that nature could be obviated without incurring some expenses. He begged to assure the House, that he felt very sensibly the patience and indulgence with which they had listened to him, for he feared that he had but very imperfectly laid before them the features of his plan. He was aware that there must be considerable complication and difficulty in ascertaining the value of the tithe, but this once done, he felt assured, that there would be nothing to interfere with the simple and effective working of the measure. He requested it to be remembered, that the principle of declaring, that tithe should bear a certain proportion to rent was not new; it had been acted upon in Scotland, and there it had been adopted long on a principle far less advantageous to the landowner than that which he proposed. It was well known that the great feudal proprietors had there possessed themselves of the greater part of the tithes of the lay impropriators, to whom one-fifth of the rent was payable. These tithes were allowed to be redeemed at the rate of nine years' purchase, subject, however, to a right on the part of the clergy of receiving the whole amount of theirs. It might, perhaps, be said, that the plan he had now propounded would not effect much change; to that he begged to reply, that he should feel much disappointed if the effect of it were not to lead to an extensive redemption of tithes; and should that anticipation be realized, as he had no doubt it would, then should he be enabled to contrast the altered condition of that description of property with its present state, and refer to the change as one well deserving to be called important and advantageous. He should move a resolution to the effect—first, that it was the opinion of the Committee, that it would be expedient that tithes should be commuted for a payment bearing a certain proportion to the rents; and secondly, that the payers of such tithes should be at liberty to redeem them at the rate of twenty-five years' purchase. The House would observe, that, however anxiously he might desire to relieve the class of religionists, called Quakers, from the burthen of paying that against which they felt conscientious scruples, yet he had not been able to accomplish it in the present measure. He should have been glad to have removed the difficulty; but he could not see how he could have avoided making the commutation compulsory, and the redemption voluntary; and unless the redemption had been compulsory, it would have been impossible to relieve them without committing injustice. The House would also observe, that he had said nothing with respect to glebe lands. It might be, he thought, highly desirable to give ecclesiastical persons the power of leasing equitably for a longer period than their own incumbency; but he thought it could not with convenience be introduced into the present measure, however properly it might be made part of another. The noble Lord concluded by moving:—"That it is the opinion of this Committee, that the collection of tithes in England and Wales shall cease and determine. That, instead of tithes, the owners of tithe land shall pay a fixed proportion to the annual value thereof to the tithe owner; and that such proportion shall be ascertained in the several counties. Secondly—That all parties liable to such tithe may redeem the same by the payment of a sum of money equal to twenty-five years' purchase."

Mr. *Baring* inquired if the income of the Clergy was to be subject to Poor-rates?

Lord *Althorp* replied, that the rent was a payment minus the Poor-rates, and that inasmuch as the commuted payment for tithe would be calculated on the rent, it would be obviously unjust to reduce it still further by a rate to the poor, for that would be making the Clergy pay the rate twice over.

Mr. *Baring* was not surprised that the noble Lord found great difficulties in the way of settling so complicated a question—a question, which either directly or indirectly, involved the interests of all classes in the State—nor could he wonder that, under such circumstances, the noble Lord was not enabled to bring forward a measure, in the first instance, clear and satisfactory. As far as he was concerned, he wished to postpone forming any opinion on the noble Lord's Bill until he had seen what it really was. It might not be difficult to point out objections to any plan that might be submitted; but feeling as every body must feel, the extreme importance of settling this question, he hoped that hon. Gentlemen would not be very nice in looking at a measure, which whether they regarded it in a moral point of view, or in reference to its religious operation, or to its probable results on the agricultural interests of the country, was of the utmost importance. The noble Lord had stated, and he perfectly agreed with him, that the property of the Church, notwithstanding the prejudice that had gone abroad on that subject, was not more than enough for her decent and proper maintenance. Whatever opinions existed as to the propriety of its division, or of the amount of what were called the sinecures of the Church, it was fully agreed that the total amount was not more than was sufficient for the purpose. He was not aware whether there were any returns before Parliament which set forth the Revenues. It would, however, be highly desirable that such a Return should be made, not that it would at all affect the decision of the question, for even if it were shown that a surplus existed, the landowner would still be bound to pay the tithe. The measure now proposed varied materially from that of last year, and certainly differed from what he expected after what appeared to be the general impression of the members of the Agricultural Committee of last year. The impression of that Committee, or at least the impression upon his mind was, that a valuation should be taken of the tithe in each parish, and that commutation should take place on the footing of such valuation, with such deductions as it might be deemed consistent with the interests of the Church to admit of. He hoped the noble Lord would look thoroughly into the measure, and weigh well all its details. He should not object to the Resolutions, *pro formâ*, but protested against being considered as bound or pledged by them. He regretted, too, that the measure was brought forward so late in the Session, as they had but a very short time to consider a measure of such great importance, more especially one which would be likely to occupy some considerable time in the other House, where the Clergy were more particularly represented.

Mr. *Greene* considered that in agreeing to, the House should not be held concluded by, the Resolutions. The plan required much consideration, for in many instances they would find as much difference between one parish and another as between one county and another. He should be obliged to the noble Lord to state how he would arrange as to the proportion of payments to the lay Rector and to the Vicar. He was sorry, that he was called on, without due consideration, to affirm these Resolutions. He would much rather that the Bill should have been introduced in the first instance; and he certainly should not feel himself precluded from taking any course which it might hereafter appear to him expedient to adopt.

Lord *Althorp* said, it had been his object to avoid entering into details which could not yet be conveniently discussed, but which would be found to be provided for by his Bill. The Resolutions would not pledge any hon. Member to the Bill, nor even to its principles. With regard to the specific question of the hon. Member, he would say, that upon ascertaining the amount of tithes paid, nothing could be more easy than to ascertain what proportion was paid to the Rector and what to the Vicar, and the proportions would of course be observed in the commutation.

Mr. *Harvey* feared, that the noble Lord had contrived to complicate the excellent principle of his Bill with provisions of a very doubtful nature. The noble Lord had, he thought, involved himself in difficulties in consequence of his having had recourse to voluntary communications, whereas, if he had trusted to his own business-like mind, the measure which he had produced would have been much clearer and more satisfactory. What a complicated and expensive machinery was proposed by the Bill! They were to have valuers of counties, and valuers of parishes, and Barristers as arbitrators, and what not! If the noble Lord wished to arrive at the value of the tithes, whether of a given property, or of a whole county, or of a parish, let him apply to any auctioneer whose name figured in the columns of a newspaper, and he would put him in a mode of ascertaining the value of the tithes, great or small, arable or pasture, and the required number of years' purchase, in a very satisfactory manner, without any such complicated system of valuation. He apprehended that this Bill would be shipwrecked by its honesty. It did not recommend itself to any one branch of the community. The landlord would gain little by it. Few Gentlemen would be disposed to buy the right to tithes fixed at their full value, and estimated at twenty-five years' purchase. The community would gain no benefit, for it was not even intimated that they would get any surplus. The noble Lord took frequent occasion to repeat what had been so often said, that the tithes of the country were not more than sufficient for the maintenance of the National Church. Now, this was matter of opinion only. But why should it remain matter of opinion? Why should it not be matter of fact? A Commission had for some time been sitting, which Commission had acted in a spirit of great intelligence. They had framed a series of questions; and he never read any questions more searching than those which they had propounded. They were under four heads, directed to Bishops, Rectors, Corporations sole, and Deans and Chapters. There were from sixteen to twenty-five questions; and if honest returns had been made to them, the noble Lord must have in his possession a body of evidence not only highly valuable, but which would at once prove his assertion if it were correct, and improve the generally prevailing opinion that the Revenues of the National Church (the property of which was not then under discussion) were much more than was sufficient for its maintenance. Why should they at once close public expectation on this point? He hoped that this important question would remain no longer matter of speculation, but that the House and the country would be supplied with the information which would at once set it at rest. The noble Lord had truly said, that this was a matter in which the Dissenters took none other than a common interest, whether tithe-owners or tithe-payers; but he was apprehensive that when the Bill came to be more fully examined by those whom it affected, it would not be considered one of its recommendations that it protected the collection of the Revenues of the Church to their full and extreme value.

Sir *Robert Peel* did not understand what power the noble Lord had to release him from the obligation he should incur, provided he assented to the Resolutions. The noble Lord proposed, that, in lieu of tithes, the owners of titheable land should pay a fixed proportion of the annual value of all land throughout the several counties, and that the said proportion should be ascertained by striking an average from the parishes of each county. How could the noble Lord say, that if he voted for that Resolution, he was not as much bound by it as by any other Resolution to which he gave his assent? By affirming it, he expressed his approbation of the principles contained in it—namely, that a commutation of tithes ought to take place, calculated according to the proportionate value which rent and tithe bear to each other, and also that the redemption of tithe should be permitted at twenty-five years' purchase. If this Resolution were not intended to bind the House, why insert in it any details at all? He would propose, as an Amendment, that, instead of the noble Lord's proposition, a simple Resolution be adopted, declaring it expedient that leave be given to bring in a Bill for the purpose of effecting a commutation of tithe in England and Wales on a fair and equitable principle. What was gained by affirming this Resolution as a matter of detail? But, independent of this objection, the noble Lord had drawn up his Resolution so vaguely, that in point of fact, it would accomplish nothing at all. The noble Lord proposed, that the proportionate value of tithe to land should be ascertained in the different counties of England and Wales: the noble Lord also proposed, that a county should be a distinct territory with respect to tithes, and having ascertained the proportionate value that tithe bears to rent on the average in each county, the noble Lord proposed that that average should be applied to every parish and every estate throughout the county. Yet this principle, which the noble Lord was desirous of establishing, was in no way affirmed by the Resolution before the Committee. Why, then, enter into details at all in this Resolution, unless it was meant to be contended, that the Resolutions passed by the House of Commons were to be considered mere waste paper? If the noble Lord said, the House was not bound by this Resolution, he said what was not the fact. The noble Lord had thought proper, after six months' consideration, to abandon the Bill introduced last Session for the purpose of facilitating the commutation of tithes; and could the noble Lord, with any decency, call on him to give his assent at once to the principles of this Resolution? Before any one could feel justified in affirming this Resolution, there were several points that required much consideration. In the first place, what connexion was there between the payment of tithe and the territorial division of this kingdom into counties. He would venture to assert, that the practice as to the payment of tithe would be found to vary not only in different counties, but in different parishes in the same county. In some counties the proportion which tithe bears to the value of the land, or the rent of it, was much greater than in others. In Devonshire and Kent, for instance, the proportion which tithe bears to the value of land was much larger than in any other counties in England; but the effect of the noble Lord's plan would be to affix the proportion in those counties for ever. The noble Lord had slightly touched on moduses, and he could easily understand that, with respect to fixed payments, such as modus or composition, it might be possible to make some satisfactory arrangement. The noble Lord, however, had said nothing as to the distinction between great and small tithes. Was the land now subject to small tithes within a particular county, to pay its contribution hereafter, on the average of the land, subject to great tithes? Take the case of two adjoining parishes—the one subject to the payment of great tithes, the other to the payment of small tithes,—in what way would those two parishes hereafter contribute to the tithe-owner? Again, how did the noble Lord propose to deal with those cases where the title to tithe might be contested? Suppose a question to arise as to whether milk be subject to tithe, in what way would it be decided? The noble Lord said, that the sum the clergy were hereafter to receive, should not be subject to Poor-rates; at the same time it might be invested in the purchase of land, and on the same principle the land purchased for the Church ought also to be exempted from the payment of Poor-rates. Under these circumstances would there not be great difficulty in regulating the purchases; for it would be the interest of the Church to buy the land subject to the heaviest Poor-rates; and would there not be a difficulty in giving to the Church the possession of land now subject to Poor-rates, but which, on being transferred to the Church, would be exempted from Poor-rates? These were points which ought to be cleared up before any hon. Member was called on to affirm the principles contained in the Resolutions. He agreed with his hon. friend, the member for Essex, that it did not become the House to be too critical in examining the plan of the noble Lord, or to reject it at once, because it might appear complicated; but let not the noble Lord bind any man by a Resolution proposed to the House of Commons, for the first time, at nearly the hour of midnight; let there be a short interval to consider the principles contained in the Resolution. He heartily wished, that the proposition of the noble Lord might be received with satisfaction out of doors; but while he was anxious to come to a settlement of the question as speedily as possible, they should strive to the uttermost to prevent the arrangement being productive of any new mischiefs. He thought, that the noble Lord had a great deal too much underrated the value of a voluntary settlement; and if it were once affirmed that there should be within each county an ecclesiastical corporation, with a Bishop at the head of it, to receive money as an equivalent for tithe, that would give great facilities for a voluntary commutation of tithe, between the tithe-payer and the tithe-owner. If the Government would only assure parties, that they should not be subject to any expensive litigation,—if they appointed persons of honour and character as fair arbitrators, who should deal not with counties but with individual parishes, and attempt to effect an amicable arrangement; giving the power of redemption at a certain number of years, the precise term to be left to the parties themselves; the Bishop taking care to watch over the interests of the Church, the incumbent and the tithe-payer taking care of their own interest,—there would be facilities for a voluntary arrangement, which would tend more to a final settlement of this great question, than the Bill which the noble Lord intended to introduce. It was not his wish to say anything to prejudice the proposition of the noble Lord; all he asked was, not to be required to give his assent to the Resolutions before he had been allowed time to consider them.

Lord *Althorp* said, if the forms of the House would have allowed him, he would have been happy to have brought in the Bill at once; but it was necessary to propose in Committee the resolution on which his Bill was to be founded. With regard to the great and small tithes, a similar arrangement might be made with regard to them as that to which he had already alluded, with regard to moduses and fixed payments. A deduction *pro tanto* would be made from the proportion due from the land liable to small tithes. He would have no objection to re-consider that part of his proposition which went to exempt land, the property of the Church, from the payment of Poor-rates; and also to adopt words in his resolutions of a more general nature than those in which they were at present couched. The noble Lord proposed the following Resolution, in lieu of those he had at first moved:—"That it is expedient to effect the commutation of Tithes, and to abolish the payment of Tithes in kind throughout England and Wales; and, in lieu thereof, to substitute another payment to be made to the parties entitled to Tithes, and that the power of redemption should be granted to the payer of Tithes, at a certain number of years' purchase."

Sir *Robert Inglis* expressed his satisfaction at the readiness of the noble Lord to alter the wording of the Resolution; and that the ill-omened words of the Irish Bill of last year, "that the payment of Tithes should cease and determine," were not employed upon this occasion. He would not oppose the Resolution, reserving to himself, at the same time, perfect liberty to deal, according to the best of his judgment, with any measure which the noble Lord might bring in, founded on his Resolution.

Mr. *Hume* felt confident, that the proposition of the noble Lord would not give satisfaction, either in or out of the House. The principle acted upon in Scotland was far preferable to the one now proposed, for there the tithe was an invariable rent. By the measure now proposed, if a man laid out *5l.* or *10l.* an acre on the improvement of his land, the tax substituted for Tithe would increase with the improvement. This would be very unfair. The machinery proposed for carrying the measure into execution was unnecessarily complicated for so very simple an operation. In Belgium and in France, every acre was valued according to its quality; and sometimes there was a double valuation even on the same field, if it was of different qualities, and the valuation embraced five different qualities. A piece of land might consist of clay and loam. It would be unjust to call upon a man to pay more for that part of it on the improvement of which he had expended money. Before any proposition of this kind was brought forward, they ought to have the documents and returns before them. He would not at present consent to any thing more than some such proposition as that suggested by the right hon. Baronet, the member for Tamworth. When the House was enabled to come to a more correct judgment, by having all the necessary documents before them, the noble Lord himself, or some other hon. Member, might then introduce a Tithe Bill different from this.

Lord *Althorp* said, the hon. Gentleman must have misunderstood his statement. No such difficulty as that mentioned could arise; for, if a man laid out money on the improvement of land, he would, under the proposed measure, be at liberty to redeem the tithe, according to the rate of payment previous to the improvement. Suppose a person laid out *10,000l.* on improvement, he might redeem the tithe of the land so improved for the same amount it would previously have cost.

Mr. *Hume* would put the case of the market gardeners residing in the neighbourhood of London, from whom he had a Petition to present, in favour of Tithe commutation, and praying that, in future, the charge for Tithes should be an invariable one. Suppose the landlord of such tenants as these refused to agree to a commutation, how were they to be compensated for the money they might expend in improvement?

Mr. *Estcourt* thought it would be advisable to adopt a more simple Resolution than that proposed by the noble Lord. It appeared to him, that voluntary commutation would be the more desirable course. There were circumstances connected with the payment of tithes in some places, of which the noble Lord did not seem to be aware, and for which no provision had been thought of. There were districts, for instance, in some parishes, that were subject to vicarial tithes when sown with corn, while other parts of the same parish were exempt. He would suggest to the noble Lord, that, in any measure which might be introduced, it would be desirable to recognise the principle of voluntary commutation.

Lord *Althorp* said, that, after consultation with the best-informed persons, and after anxious consideration of the subject, they came to the conclusion, that the best course would be to settle the whole question at once. With respect to the case of the market-gardeners, mentioned by the hon. member for Middlesex, he could not see any difficulty in it; because, if the landlords did not redeem the tithe, the occupier would, of course, take that into consideration in his agreement for rent.

Sir *Robert Peel* would suggest to the noble Lord, whether it would not be possible that some new principle of voluntary arrangement might be introduced. Unless it were previously determined by which party the expenses attending such an arrangement were to be paid, it would not make much progress. In so important a business as this, however, it would be no difficult matter to provide some means of preventing the inconvenience. If Commissioners were appointed, with power to call before them the parties interested, they might enable them to enter into voluntary arrangements for commutation, with a power of future redemption. It appeared to him, that a great progress might be made in commutation in this way, if a majority of parishioners should agree to it. The decision of that majority might be made binding on the rest of the parishioners, particularly if the minority was a small one. Did the noble Lord hope that he would be able to pass any Bill in the present Session? Last Session he seemed to be of opinion, that he would be able to get through a similar measure, but he did not. Now, if he could not carry it through in the present Session, he would recommend, that another year should not be allowed to pass without trying what might be done by voluntary arrangements.

Dr. *Lushington* said, the member for Colchester, and also the hon. member for Middlesex, expressed regret that this discussion was entered upon before ample information had been before the House. He also regretted it as much as those hon. Members did, so as far as regarded the Diocesans, the Prebends, and Canons. Whatever information could be expected by them had been already sent in. They had also obtained from the rest of the clergy as much information as there was any reason to believe could be obtained from them. It might appear strange, therefore, that these Returns were not sooner digested by the Commissioners. When the Returns were examined, it was found that, however desirous the Clergy might have been to give information, there were many cases in which the queries put to them were entirely misunderstood. The consequence was, that the Returns so made were in such a state as rendered it impossible to digest them in a satisfactory way. It became necessary, therefore, to obtain other and more correct information, and accordingly these Returns were sent back to the diocesans, for the purpose of having them corrected. He must admit, however, that the Commissioners did not certainly proceed with that expedition which he could wish as one of them. The Returns remained still in the hands of the Bishops. Having said thus much on this part of the subject, he could not sit down without saying, that he entertained the opinion expressed by the noble Lord. He felt confident, that when the whole amount of the revenue now received by the clergy of this country became known, it would be found that it was no more than was absolutely necessary to support them in anything like decent independence. If the income now arising from the Bishoprics, from Deans and Chapters, was taken from them, and applied in equalizing the revenue of the parochial clergy, the amount to each would not exceed what might be considered a just and fair reward for their services. He trusted, that before long, information would be in such a form before the House, as would enable them to form a correct judgment upon this point, and induce the House to come to the same conclusion. It would be premature now to enter into any discussion of the measure proposed: but he could not help at least congratulating the House on the uniform opinion that seemed to prevail, that a commutation had now at length become necessary. Two years back, there could scarcely be found in that House as many even as forty Members who could be brought to concur on any such principle. Now, however, the opinion on the subject there seemed to be as general as it was out of doors. He concurred fully in the observation of the hon. member for Essex, who expressed a hope that the measure would be effectual, though it was one of very considerable difficulty. He had for many years given much attention to the subject of tithes, and he knew from experience, that the better a man was acquainted with the subject, the more he knew of the history of tithes, the more strongly he would be convinced of the difficulty of so managing as to do equal justice. With respect to the actual valuation, let the estimated amount be taken, both in England and Wales; and the sum would be found of no mean importance to the settlement of the present question. He certainly agreed with many of the observations that had fallen from the right hon. Baronet (Sir Robert Peel), and particularly with that which went to show, that a system of amicable commutation was good; and he thought that clauses to that effect might be introduced, so as to make it form part of the present measure. There were, however, many difficulties on this point, which made him still think, that compulsion would be, in many cases, necessary. If they could bring about a voluntary commutation on the part of the incumbents and tithe-payers, a great and salutary object would be effected. It would be highly advantageous both to the parishioners and clergy, and would create a mutual good feeling, besides conferring invaluable benefits on all the parishes where this voluntary system of commutation might be introduced. He therefore hoped that his noble friend (Lord Althorp) would introduce clauses into his Bill to effect so very desirable an end. Still, all the objections that could be made, when compared to this great measure, were completely insignificant, and, with skill and some trouble, he did not despair to see them got rid of.

Mr. *Parrott* thought, that the titheowner ought not to be exempted from the payment of rates and taxes, and that a reduction ought to be made on the collection of small tithes as well as on great. With respect to a fixed commutation, he considered the suggestions of the noble Lord better than those of the hon. member for Middlesex. A fixed commutation could only be carried into effect in a country where the state of the cultivation of land was pretty nearly equal.

Colonel *Wood* was decidedly of opinion, that the question could not be satisfactorily settled, without having recourse to parochial valuations. Some parishes had been lately valued in consequence of inclosures. The tithes in upwards of 2,300 parishes had been valued under Inclosure Acts, and in consequence, about one-sixth of the whole parishes of the country had commuted their tithes. Small tithes chiefly existed in parishes; and it was these tithes that were a perpetual source of angry feeling between the clergy and their flocks. He therefore considered that a county valuation was not sufficient to arrange the question. He would not at present enter into the details of the measure. The landlords of England were deeply interested in it, and he was glad that his Majesty's Government had taken up the important subject. The suggestion of the right hon. Baronet (Sir Robert Peel) was valuable, since a great deal of good might be done by a voluntary composition of tithes.

Mr. *Blamire* wished to know, whether there entered into the noble Lord's plan any provisions to settle the present disputes about tithes, which existed between several parties?

Mr. *Fryer* said, that it was impossible that any one could disagree with the present Resolution. He begged leave to read the Resolution, and would ask, what possible objection there could be made to it. He really could not see any occasion for all the debate which had taken place, and he thought, that the Resolution might be left to the consideration of the House, when the proposed Bill was brought before it? With respect to voluntary composition, if it had been adopted, tithes would have been long ago of themselves extinguished. But behind this question stood the lay impropriators. They wanted compulsion, but the clergy wanted none, as was proved by the petition from Stafford, presented that day to the House. The clergy were not, as usually represented, rapacious and seeking for filthy lucre. Though he was a Radical, he was willing to see the Church supported. The clergy were disinterested; it was the lay impropriators who were the men that exacted "more than the pound of flesh." The clergy would consent to commutation, and he considered, that the clergy ought not for tithes to distrain upon the tenant, but go to the landlord, and make him bring tithes to the Church-door, or oblige him to sell his land. This was a doctrine that sounded well. He was sorry, however, to say, that he did not agree with the clergy upon some points, and particularly upon that which related to Church-rates. He concluded by repeating, that they all ought to agree to the Resolution before the House, and that a Bill, or two Bills, ought to be brought in, founded upon it, which would tend to make the clergy happy and contented.

Mr. *Finch* did not think, that there existed a general desire for the commutation of tithes, and, therefore, the plan of a voluntary composition could not succeed in large portions of the country where commutation was not desired, and where tithe was levied on an equitable system. With respect to that part of the measure which mentioned a twenty-five years' purchase, he thought it highly objectionable; and there were other details which would fall heavily on several counties.

Sir *Thomas Fremantle* thought, that the plan would not prove satisfactory in individual parishes, nor generally. To make commutation satisfactory in the different parishes the situation of each parish should be considered, and the plan framed so as to suit each separately. That the time granted for voluntary arrangements should be extended, was highly desirable; but if it was to be followed up by compulsion it would fail in its effect. He regretted that part of the plan which would throw odium on the Magistrates by fixing on them the arrangement of the value of tithes at the Quarter Sessions. He should like to know what was to be done in case of the rise of rent in land. Was it necessary that there should be a new valuation? In this respect he saw a great difficulty in ascertaining the amount of tithes.

Lord *Althorp:* The composition would be made according to a fair valuation, and in all cases in which the tithe-owner did not think there was a fair valuation of the land he might demand a new and fair valuation to be made, but at his own expense.

Sir *Robert Peel* would suppose, that a rapid rise took place in the value of land in consequence of the neighbourhood of an extending town or the construction of a railway. He would suppose, that an acre of land now valued at 40*s.* was raised in value to 40*l.* for building on, or other purposes—would tithes increase in the same proportion?

Lord *Althorp:* Rent was not a fair test of the value of land, and, in such cases as that just mentioned tithe should undergo a new valuation.

Sir *Henry Willoughby* would deny the connection which there was supposed to be between tithe and rent; for it was clear that land might pay tithe which never paid rent. It was well known that in several parts of England the land would only pay the burthens. [Sir *Robert Peel:* and *vice versâ.*] Just so; but this did not shake his doubts as to making rent the basis of any arrangement for the commutation of tithes. He would not agree in the justice of those sweeping anathemas which had been uttered by the hon. member for Wolverhampton (Mr. Fryer) against the lay-impropriators who had bought their present rights in an open market and at a fair price, in the same way that every other species of property had been purchased. He wished the noble Lord (Lord Althorp) would not forget the mode which he (Sir Henry Willoughby) had often recommended—that of commuting tithe for land. Being aware of the necessity of some measure, he would not object to the Resolution before the House as it was now shaped.

Mr. *Rolfe:* The hon. Baronet who had last spoken said, that no plan would prove satisfactory unless it embraced several modes of commutation. He so far agreed with the hon. Baronet, and it was for that very reason he felt disposed to support the noble Lord's measure. As he understood the noble Lord, it would afford every facility that could be suggested to a fair commutation. It also embraced within its scope every possible mode of commutation. It proposed to commute the tithe first of all into an annual sum proportioned to the rent or its ascertained value, either between the parties themselves or by Government, if they could not agree; and if the landholder chose, he might either redeem the tithe or the annual sum into which it was converted. There was necessarily some complication in the statement of the noble Lord, but when the measure was fully canvassed and understood, he had no doubt it would meet the sanction of the House and the general approbation of the country.

Mr. *Frankland Lewis* had but one observation to offer to the House. However feasible it might be in theory, he felt sure that in practice it would not turn out that poor lands paid more tithes than rich. In Wales poor lands paid less in proportion than the richer lands paid. There was a reduction in the amount of tithes on rich lands, and a sure increase on poor lands. He had long wished for some arrangement with respect to tithes, and he sincerely wished success to the measure of the noble Lord; but, at the same time, he could not disguise from his own mind that it would be attended with a variety of difficulties in its working.

Mr. *Jervis* observed, that no notice was taken in the noble Lord's plan of tithes upon wages, upon eggs, pigs, and other things, which pressed very severely upon the poor. He thought that these things ought to be included in any measure on the subject. He had one objection to the mode of taking averages. A parish, or even a field, might be in two different counties, and the tenants might be obliged to pay one sum for one corner of a field so situated, and a different sum for another corner. A fluctuating system of tithes would check the improvement of land, by preventing the investment of money. To the measure itself, however, he gave his cordial assent.

The Resolution last moved was agreed to and reported, and leave given to bring in a Bill founded on the same.

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HOUSE OF LORDS,

Wednesday, April 16, 1834.

MINUTES.] Petitions presented. By the Archbishop of YORK, from two Places, and by the Earl of ROSEBERY, from Axminster,—for the Better Observance of the Sabbath.

PROGRESS OF EDUCATION.] The *Lord Chancellor* rose to move for a Return connected with a very important subject—a subject which was at present occupying, to a great extent, the attention of the country. That Return would throw a very great light on the state of education at the present moment, which, as connected with the morals of the people, must be viewed with a considerable degree of interest. He had stated to many who had addressed him on the subject, his reason for hesitating before he brought in a Bill for adopting a general system of education. He had said, when reference had been made to Scotland, that whereas the Bill of Charles 1st (the Parish-School Bill), although it had worked most beneficially for the people of Scotland, because it was adapted to their peculiar situation, yet, did not appear to be equally applicable to the people of this country, their situation being extremely dissimilar. Indeed, when the subject was examined (and it had been examined by a Committee of which he was Chairman), it was found that nothing could be more different from the situation of Scotland when that measure passed into a law, than the situation of England at the present moment. It was not, therefore, right to argue, that because such a measure had effected good in Scotland, the principle should be now adopted with respect to England. The great difference was this—that at the time when the Bill was passed there were no schools in Scotland. Therefore, the best plan that could be devised to remedy that evil was, the plan which could most speedily be carried into effect, and the consequence was, that a school, with a small garden, was established in every parish, which was supported by particular funds. But, if they proceeded in like manner to plant schools in this country, a rate for their maintenance would be necessary. The people of Scotland, at the time the Bill was passed, had no experience of rates; but in this country they had sufficient experience of rates and of schools also. If in England the Legislature said, "Let there be a school in every parish," it would tend, he was convinced, to put an end to the present means of education derived from voluntary contributions, which were now paid to a very large amount. If, having paid the usual subscription, the collector called on the individual the next day, and said, "I come to collect the school-rate," he would, most probably, come to this conclusion—"I shall pay the rate, I think that is enough; but I will get rid of the voluntary subscription." At the same time, he was ready to admit, that voluntary means alone were not altogether to be trusted to provide for the purposes of general education. He had admitted the fact in that place, on a former occasion, when he was censured for abstaining from the general establishment of parish schools on the Scotch plan. He had on principle refused to adopt that course. But though, in his mind, there was a very great risk in adopting the compulsory system, still it appeared to him, that there was a much greater risk in doing nothing at all; and it was a very gross mistake to suppose, because that particular door, a general compulsory system, was not open, that therefore no door was open by which provision might be made to remove the lamentable want of education which prevailed, especially in the great towns, where it was more observable than even in the country parts. He had, however, ample reason to believe, that in the interval between 1818 and 1828, when the Test and Corporation Acts were removed, a great increase in the amount of education, and that, too, of a most beneficial description, had taken place. In 1828, when those Acts were repealed, it was found necessary to consider whether the Dissenters, who, in consequence of the restrictions imposed on them under the law, were not willing to avail themselves of many institutions for education, would do so when the Test and Corporation Acts had ceased, and they had, to a certain degree, arrived at the privileges of Churchmen. The result of those inquiries was, that though the objections of the Dissenters were lessened, they had by no means ceased. He had thought it expedient, however, to ascertain by private inquiries, whether there had been an increase or decrease of education during those ten years? He had, with that view, addressed a circular to the clergymen of between 500 and 600 parishes, taking them in various parts of the kingdom, and requesting the necessary information. He had received about 500 answers, and the result was, that the number of schools in those parishes, from which he had received replies, had been doubled; and the number of scholars more than doubled. In those 500 or 600 parishes of England and Wales, there were, at the commencement of the ten years, 1,400 schools, which had increased to 2,800; at the beginning of the period between 5,000 and 6,000 scholars were educated at those day-schools, which number had, at the expiration of the ten years, increased to 12,000. This, he conceived, was a most satisfactory Return. Those, however, who were friendly to parish schools, had thought fit to attack this statement in those periodical publications which were devoted to their opinions. They charged him with exaggeration, with having selected the parishes, and with not having stated the case fairly. They observed, that there were 13,000 parishes in England and Wales, and they argued, that while an increase of education might have taken place in the 500 parishes to which the Return referred, yet, that the course of education might have been retarded, or suspended altogether, in other places. Now, there was something so exceedingly improbable in supposing that education should go on prosperously in 500 parishes, and that in all the rest it should fall back, that the proposition really did not call for an answer. It did, however, so happen that the Return made to Lord Kerry's Motion in the House of Commons, entirely confirmed his view of the subject. That Return afforded a comparative view of the state of education in two districts in 1818, when the Education Committee was sitting, and in 1833, when Lord Kerry made his Motion. The county of Bedford and the town of Manchester were the districts chosen, and they were chosen because Bedford was an agricultural county, and Manchester was a great manufacturing town. The whole county of Bedford had, in the year 1818, 136 day-schools of all sorts; it had now 244: the number of scholars in 1818 was 3,980; it was now 5,633: being an increase, in the means of education in that county, of as five to three. It had not, indeed, doubled; but it amounted to more than five to three. So that his calculation, of which complaint had been made, was very near the mark. In 1818, the Sunday-schools in the county of Bedford were attended by 4,738 scholars; that number was now increased to 15,234: being more than three to one—indeed, considerably more than treble. It would thus appear, that education in the county of Bedford, taking Sunday-schools and day-schools, had more than increased two to one. With respect to Manchester, that great, and wealthy, and enlightened, and ingenious town, education had there increased in a much greater proportion than in the county of Bedford. In 1818 it possessed (not including Salford) only fifty day-schools, which were attended by 2,628 scholars. By the great exertions however—and they were as meritorious as they were great—of the enlightened leading inhabitants, instead of fifty day-schools, there were 216; which were attended by 10,000 and odd children. So that in Manchester the increase in the day-schools was more than four to one. Now, if other places had increased in anything like the same proportion, he thought it would be found—and he had no doubt it would—that the calculation which he had made with reference to 500 parishes was greatly underrated. That, he believed, would be the result, when the whole Return was laid before their Lordships. The Sunday-schools in Manchester had increased in the same ratio as the similar schools had done in the county of Bedford. In 1818 the number of scholars was 8,000; in 1833, no less than 24,400. This result was most satisfactory; and, when its importance was considered, did it not show that it might be very imprudent to run the risk of doing away with the system of voluntary contribution by imposing a school-rate? A rate to the amount, as had been calculated, of 1,200,000 a-year, would not effect the object of general education. It would not be enough that a large sum of money was granted. Something else would be necessary. They might plant schools—they might water the plant which they had put into the ground—they might be assisted by funds compulsorily obtained—but did it follow that the plant, or the school, would take root? What he meant by taking root, was, that individuals should nourish it, and should feel a strong desire to send their children to be educated at schools thus supported. Was there any certainty that such would be the case? And should the contrary happen, what was the use of a rate?—what was the use of paying a salary to a master, when no one attended the school? It had been asserted, that the people in this country did not feel the same thirst for education that was cherished in other parts of the empire. He understood that in Ireland, when schools were opened, the children of the poor people were immediately sent there. That such was the case in Scotland he knew. Now, if there was a backwardness in that respect amongst the people of England, the voluntary system offered a far greater chance of removing it than one of a compulsory kind. Those who subscribed voluntarily to a school naturally took an interest in it. They watched over it, they superintended it, and they endeavoured to induce the poor to send their children thither. But if a compulsory system were adopted, all that beneficial superintendence would cease. He did not say, that children would not be sent at all to those schools, but he believed, that they would not attend in such large numbers. With respect to aiding and assisting voluntary contributions, one course, he thought, might be advantageously taken. It was within the power of Government to adopt it; and he rejoiced to see that, to a certain extent, the plan to which he alluded had been pursued, according to the recommendation of the Education Committee in 1818, who had stated at length, the grounds on which their opinion was formed. The proposition was, to advance a sum of money to encourage those to proceed who were willing to advance the money in the formation of schools by voluntary subscription. This had been tried on a very small scale; and such advantages had been found to result from it as had induced the other House of Parliament, most wisely in his opinion, to apply a further sum of money to the same end. What he adverted to was, voting only small sums, say 20,000*l.*, to enable such persons as wished, by voluntary contribution, to found schools to overcome the first impediment—that of securing school-houses. Such a sum had been voted, and he would undertake to say, that never was 20,000*l.* better laid out. There was no fear whatever that Parliament would ever repent of that vote. It was clear, that Parliament had not done so, since 20,000*l.* more had been voted still further to carry on the plan. What was the effect of this measure? Why, that not less than from 40,000*l.* to 50,000*l.* had been voluntarily subscribed, in addition to the aid granted by Government. The consequence was, that, in one year, means of education were suddenly called into existence sufficient for the instruction of 30,000 children, which was equal to a population of 500,000 souls. This statement had reference to two of the three ridings of the great county of York. There was in the system of education proffered to the poor in this country, a deficiency which was greatly to be lamented. As it was "not all gold that glittered," so neither was it all education that outwardly looked like it. There was a serious lack of really useful education. Many children might darken the school-house door,—they might talk and buzz there all the day,—they might depart to their homes in the evening; and yet, during their attendance, so little might be taught them, that it would not be improper to say, that their time was all but lost. It was, to be sure, better that they should attend, as they were thus kept out of mischief, than be doing wrong elsewhere; and that, perhaps, was the most favourable view that could be adopted. This was an undeniable fact; and the defect was entirely owing to the great want of improvement in the general system of education, and especially in the deficiency of cheap seminaries, where those who meant to become school-masters themselves might be properly instructed. This was a point to which he anxiously hoped and trusted the attention of the Legislature would be speedily called, and that the other House of Parliament, jealous and properly watchful over the public purse as it was, would take care to provide for this great, glaring, and universally acknowledged defect; and, with that object, would add to the 20,000*l.* already voted, 20,000*l.* more, towards the establishment of seminaries, or normal schools, for the education of those who would afterwards be called to preside over inferior schools themselves. It was not to be supposed that education could be placed on a very secure or solid foundation, in a country containing a population of 14,000,000 or 15,000,000, when the system depended so much upon casual aid. Probably, however, the Legislature—for the attention of the country had, of late, been strongly directed to this point—would take up the subject, and place the system of education on a more solid basis. The voluntary principle should, however, always be adhered to,—nothing like compulsion should enter into the system. In

Prussia the contrary course was pursued. Education was forced under the rigour of military punishment—under the dread of the serjeant—under the fear of the corporal. Now, he did not think, that any one measure could be devised by the mind of man, so admirably calculated to make a system of education unpopular, as that of compelling people to send their children to school. He was, therefore, decidedly adverse to the introduction of a compulsory system in any sense whatever, either by forcing parents to send their children to school under certain penalties, or depriving them of certain privileges if they refused to let them attend. A knowledge of the benefits that were to be derived from education—a knowledge of its great usefulness in every rank and condition of life—ought to be the great incitement to seek it; and every effort ought to be made to disseminate that leading principle, in order that all might profit by it. As to another species of compulsion—that of a rate—he would not consent to it; for he would never sanction any proposition which coupled the word "education," with the word "rate." The best course to pursue, instead of introducing any bill, was to try a little more experience on the subject. By instituting small seminaries, by founding normal schools for the education of schoolmasters, aided by the liberality of Parliament, he thought much might be done; and he had great hopes that this Session would not be suffered to pass without some attempt being made to take up these matters in an enlightened spirit. Such an attempt would, he was sure, be successful, and receive general approbation. He should next call their Lordships' attention to those funds which which were already applicable to the purposes of education, and to other purposes, but which had not been advantageously administered, and had, in many instances, been grossly misappropriated. The returns under Mr. Gilbert's Act, in 1805, gave the amount of those funds at 310,000*l.* The returns, however, which had since been made, and which were now on their Lordships' table, showed how greatly the amount given under Mr. Gilbert's Act was underrated. It was found, notwithstanding the under-lettings,—notwithstanding the various modes in which these revenues were prevented from reaching their proper destination—that the charitable funds connected with the counties of York, Cumberland, Surrey, Bedford, and a number of others, to the amount of fourteen or fifteen, whose population exceeded 7,000,000 (being half the population of England and Wales)—it was shown, that the total charitable funds of these counties, which, under Mr. Gilbert's Act, were returned at 150,000*l.*, did, in fact, amount to 428,000*l.* This would give, for the whole country, an amount of between 800,000*l.* and 900,000*l.* a-year—a magnificent sum to be applied to charitable purposes! But, he was convinced, that if those bequests were justly and fairly managed, they would amount to 1,500,000*l.* annually, and would be more than sufficient to supply all the expense of a national education. There was another part of this interesting subject on which he would make a few observations. He had said before, and he repeated now, that it was not every one who founded a school or an hospital who ought to be called charitable. He knew, that he had been blamed for using that language; it was, however, language that he had held in that House, that he had held elsewhere, and that he would always hold, because he knew that it was just, and did not warrant the unkind interpretations that had been put upon it. He would boldly assert, that there were no greater nuisances in this country than some of the institutions called charities. He wished he could say of them, that they were innocent—that they did no harm or good—that they were mere nonentities, neither producing benefit, nor generating evil. Unfortunately, he could say no such thing. Many of them, he affirmed, were positive nuisances—many of them were of such a description, that the law ought not to allow them; and many of them, in their origin, were of such a kind as the law did not allow. As an instance, he would point their Lordships' attention to that splendid building the Foundling Hospital, with its now large revenue, which would, by the improvements that were daily taking place in the neighbourhood, amount, in the course of time, to 150,000*l.* a-year. It was not a foundling hospital, though it was so designated, nor had it been so for half a century past. Why was the alteration made? Because it was a nuisance,—because it produced the most mischievous effects: the desertion and the abandonment of children, were its immediate fruits. In consequence of that establishment, children had been brought into existence who otherwise would not have seen the light. Seeing that the institution offered a premium for vice, the governors had made a rule, which, for half a century, had made this institution anything but a foundling hospital. They came to a resolution, "that in future no child shall be, on any account, admitted into this hospital until its parents are examined." Now this might be, and undoubtedly was, a very safe and beneficial provision; but it altogether altered the original object of the institution, which was for foundlings properly so called, and not for those whose mothers and fathers were known. Again, the Small-pox Hospital, before the discovery of vaccination, must be considered by the law a nuisance. Indeed, the late Lord Ellenborough, speaking on this subject, said, "These splendid towers must all come to the ground, notwithstanding the intention of the testator, if it were found to propagate and perpetuate, instead of curing, repelling, and preventing disease." That establishment had since been converted into a fever hospital, and partly into an institution for vaccination. These were extreme cases; but while he alluded to them, let it not be supposed that he did not highly admire institutions which might be termed real charities. Too much praise could not be given to those persons who established charities for the cure of diseases, for the alleviation of accidents, for the watching over of insanity, for the softening down of those bodily and mental evils to which the human frame was subject, and which no human foresight could avert. It was pleasing to see such charities beneficially endowed; they were worthy of private munificence. But this could not be said of institutions which encouraged people to be extravagant, in the hope of ultimately receiving relief, or which induced improvident marriages—marriages entered into as none should be entered into—before the parties were able to provide for their offspring. Having thus expressed his opinion with respect to things miscalled charities, he had no hesitation in declaring it to be his intention, if those who were at the head of them adhered with the same crassid ignorance of what ought to be done to the course which had so long been followed—if they displayed the same dogged feeling in resistance to all improvement—if, instead of applying the funds committed to their charge to those purposes that would be useful and beneficial to the community, they chose to expend them on that which was prejudicial and baneful to the community—if they continued in that course, he should then be disposed to listen to the suggestions which had been made by individuals in Parliament and out of it, and to view those persons as not any longer entitled to act upon their own false principles, converting that to public mischief which ought to be devoted to public benefit. If they did not mend their ways—if they did not apply in a better manner the funds which the munificence of former times had supplied for charitable purposes, he should call on Parliament to look on those estates as placed peculiarly under their care, and to see that the trust was more beneficially and more safely executed than it had been. It was sufficient for him to give this general notice. He knew that, unless in their public capacity, the trustees could not be called to account; but it was sufficient for him to give this general notice, knowing that the parties had the means in their own hands of preventing any parliamentary interference, by shaping their conduct according to existing circumstances. That was what was done in the case of the Foundling Hospital, and the same course was adopted, to a certain degree, by the trustees of the Small-pox Hospital. They ought to prevent the interference of the Legislature by removing the cause of complaint; if not, it was the duty of Parliament no longer to abstain from that proper and necessary interference which the interests of the public required. He should now conclude by moving "for a Return of the charities in the following counties," with the list of which he would not trouble their Lordships.

The Earl of *Malmesbury* was strongly in favour of Sunday-schools. He entirely agreed with the noble and learned Lord in his objection to a compulsory rate. He did not, however, coincide with him in the propriety of establishing Normal-schools. They were not necessary, because those who founded charity-schools always selected proper masters.

Lord *Wynford* was sorry that a subject of so much importance as the present had been brought before the House without notice. The speech of his noble and learned friend, when it went before the public, was calculated to produce an impression which ought not to be produced, and which, moreover, would not be produced if noble Lords were prepared with the information to answer it which was in existence. He admitted, that if any of the property which had been left by the donors of charitable institutions had been misapplied so as to become a nuisance instead of a benefit to the community, the House had then a right to interfere with it; but if that property was administered conformably to the intentions of the donors, then the House had no right to interfere, and the trustees would be guilty of a breach of trust if they did not protest against such interference. His noble and learned friend, acting on a mere *ex-parte* statement, had charged certain trustees with a neglect of duty. He could not reconcile a charge founded on such partial premises with his notions of justice, and he was sure that the Legislature would not take the measures which his noble and learned friend had intimated his intention to recommend without an inquiry by Select Committees of both Houses, if not an inquiry at the Bar of that House. For the great mass of benefit which the country had derived from the diffusion of education, it was indebted to no other class of men save that much calumniated order, the clergy of the Church of England. Any interference with the system which was now adopted through their instrumentality would be productive of more evil than good to the community. The only fault which now attached to the schools which the clergy had established in their respective parishes was, that the children were not kept at them long enough. That, however, was the fault of the parents of the children, or rather it was the result of their poverty and not the fault of the clergy who superintended such schools. Improve, exclaimed the noble Lord, the condition of the poor, give them sufficient wages to maintain themselves and their families in comfort and respectability, and you will have no reason to complain that they do not keep their children long enough at schools. But, as things were now administered, no sooner was a child able to earn something for his parents, than he was taken from school, and his education was altogether neglected. He insisted that wherever schools had been established, there had been no difficulty in providing schoolmasters for them competent to afford all the information required by the children. He denied the right of Parliament to pass a law imposing a rate for the purposes of education. Such a rate was very different from the rate imposed for the maintenance of the poor. The maintenance of the poor by a compulsory fund was justified by the necessity of the case, but no such necessity existed with regard to education. On whom, too, would such a rate fall? On the landed interest, which they had recently been told was in a condition of great and long-continued depression. In conclusion he would again say, that if the trustees of any fund destined for education had abused their trust they might be corrected; but he was for not forming an opinion without information, still less could he consent to act in the dark.

The *Lord Chancellor* wished to say one word only in explanation. The information of which he had availed himself was obtained from the Reports of the Commissioners appointed by Act of Parliament to examine into the state of charitable institutions—Commissioners who had examined both sides, and had had a full hearing of the trustees themselves. There were cases mentioned in those Reports in which trustees had wished to employ the money committed to their charge in a more beneficial manner than that which the donor had contemplated, but had found themselves prevented by the existing state of the law from making the improvements which they desired. For instance, in the manufacturing districts of Yorkshire, at Wakefield—no, he believed it was at Leeds—a revenue of 3,000*l.* or 4,000*l.* a-year was now devoted to the maintenance of a grammar-school. Now, according to the construction put by the law on the term "grammar-school," it was a school in which Greek and Latin and Hebrew, one or all of them, was to be taught, but not ciphering or arithmetic; and yet there could be no doubt that in such a district the latter branch of information was more necessary than the former. Now in such a school, unless you taught Greek, Latin, and Hebrew, it was doubtful whether you had any right to apply the funds of the school to the teaching of arithmetic. Certainly, until the funds were provided for the teaching of the former, you had no right to teach the latter. The trustees had been asked in one or two such cases whether they would teach the last, and their answer had been, that they did not feel themselves authorized to move against the intentions of the donors, and that they, therefore, preferred to leave things as they were. With regard to the obligations which the country owed to the clergy of the Established Church, he preferred considering those obligations in the light in which they had been viewed by a noble Earl on a former night, to considering them in the light in which they had been viewed that night by his noble and learned friend. Judging from the speech of his noble and learned friend, the world might suppose, that all the benefits now derived from the more general diffusion of the benefits of education were owing to the exertions of the clergy of the Church of England. God forbid, that he should either say or do anything to diminish the debt of gratitude due to that venerable body for teaching, preaching, and successfully exerting their money and their time in promoting the planting of schools, and in advancing the education of the people. He would be the last man in the world to whisper a doubt respecting the great merits in this respect of that learned, pious, and enlightened body; still he would say, that there were other parties to whom some portion of credit was also due for having co-operated, and not without effect, in the same great and glorious cause. In consequence of the exertions made, he would not say by that much-calumniated, but by that little-eulogised Committee of the lower House, which sat in 1818 upon the subject of education, and of which he had had the honour of being Chairman—he hoped that he might be permitted to arrogate to that Committee the credit of some of the beneficial effects which by its labours, had since been produced; for he might, without exaggeration, assert that the benefits of education were diffused twice as far now as they were then. In that Committee, *quorum pars minima fuerat*, he had given full credit to the clergy of the Church of England for the exertions which they had made in different parts of the country. There was likewise another cause which had been productive of great benefit to the further diffusion of education. What did his noble and learned friend think of the exertions made by the sects of the country? What did he think of the invaluable labours of the enlightened and pious clergy of the different congregations of Dissenters? They had been great coadjutors with the Committee of 1818 in increasing the education of the people; they had spent their money, and their hard-earned money, willingly in that cause; and they ought to have the more credit for spending it, for they had less to spend. When a rich clergyman of the Church, with an income of 3,000*l.* or 4,000*l.* a-year, spent his 40*l.* a-year in promoting education in his parish, the Dissenting clergyman, with an income of barely 100*l.*, was often spending his 3*l.* or 4*l.* a-year on the same object. He gave the Dissenting clergymen, under such circumstances, as much credit for spending their mite as he gave to the Church of England for spending its million. He thought that the exertions of the one ought not to be passed over in silence, whilst they were straining their throats and making the walls echo with the praises of the other. There was one little chronological fact forgotten by those who overlooked the merits of the Dissenters. They were the first in the field, they set the example. Dr. Bell and Joseph Lancaster were used as the champions on each side of this question. Dr. Bell created the schools which were now called the national schools; Mr. Lancaster the schools which were now called the British and Foreign schools. There was a controversy as to whether Dr. Bell imported or Mr. Lancaster invented, the Madras system of education, by mutual instruction and by writing in the sand; but there was no controversy, there was not even a doubt as to this point, that if Dr. Bell was the inventor of the system, it was, as far as he was concerned, a hidden invention, which had never shed a blessing on mankind, and that Joseph Lancaster was the first person who practically taught schools in England upon that plan. Joseph Lancaster imported it; and the importer of an invention was, as his noble and learned friend knew, entitled by law to be considered the inventor and to take out a patent for it. He therefore, gave his praise as a patent to the importer, but in so doing he had no wish to withhold his praise from the inventor. He spoke from having a full knowledge of these matters for he had taken an active though humble part in them. He had moved the first Resolution which embodied the School Society, and expressed the object it was to have in view. Originally that Society consisted chiefly of

Dissenters but, among the distinguished personages who gave the Society their support the late Duke of Kent stood prominent—a name never to be mentioned without honour, where education or charity was spoken of. Then there was the name of the Duke of Sussex, not to be held in less distinction. There was the Duke of Bedford, the late Lord Somerville, a Presbyterian by-the-by, but all the rest were Baptists, Quakers, Moravians, Unitarians—all manners of sects, but scarcely one churchman. One thing that association did—it produced action on the part of the Church, and then the Church kept pace with the Dissenters. The Dissenters having begun in 1810, and having continued during the year 1811, induced the Church late in the year 1812 to come forward also and to found the national society. If gratitude were to be measured by priority, the Dissenters, who began the system, were certainly entitled to the larger share. He was not, however, prepared on that account to assert, that if the Dissenters had not founded a single school, had not taught a single boy, and had not founded any society, the Church would not have done that which everybody knew it subsequently had done. When the Dissenters had evidently succeeded, and it was morally certain, that the people would be taught, though it was uncertain how, then, to his infinite delight, he had seen the clergy of the Church step forward to take a share in this holy task. He would mention another debt of gratitude which was due to the same venerable body. The institution of infant schools was admitted to have been of great benefit to the cause of education. A few persons, of whom he was one, met together in the year 1818, and after some deliberation planted an infant school in the city of Westminster, not more than a quarter of a mile from the place in which he was then speaking. They carried it on successfully for two or three years, and of the eight persons who, during that period, had the superintendence of it, he believed that only himself and the Marquess of Lansdown were churchmen. They had no connexion whatever with the clergy of the Church. One or two Dissenting clergymen assisted, and to his great delight, the scheme met with complete success. Other schools on a similar principle were established in other parts of the country, and in three or four years afterwards he was gratified to find, that the clergy of the Church of England followed—no, he would not say followed, for he meant nothing disparaging to that venerable body—were not behind the rest, but came forward willingly and overtook them, and were not deterred by a consideration which might have influenced weaker minds and more groveling dispositions—he meant the fear of imitating other men, and of acting upon the example set them by the Dissenters. They gallantly neglected all such considerations, they boldly started in pursuit, they were stimulated by the ambition of making themselves useful, and they propagated infant schools with as much success as the Dissenters had propagated them previously. There was also another mode in which the clergy of the Establishment had greatly benefited the progress of education. In the year 1827 some of his friends and himself had formed the Society for the Diffusion of Useful Knowledge. That Society, beside other useful results which it had accomplished, had brought down the price of books one-third, to the delight of every class in the community, save one, and that one was the class professionally engaged in the sale of books. It was said, that the Society was a monopolist of books, and that it was impossible for individuals to compete with it. Now, if it were a monopoly, there was this difference between it and other monopolies. The objection to other monopolies was, that they tended to raise the price of the articles which they monopolized—the objection to this monopoly was that it had lowered that price. When that Society was originally formed, he had said in private, that if it succeeded, their excellent friends, the clergy of the Church, would immediately afterwards act upon the same plan, and so it turned out even as he had predicted, for they had scarcely published the *Penny Magazine* one week, when the *Saturday Magazine* was brought forward as its rival. God forbid that he should say one word of disparagement of the Church on that account. No; he was too much delighted with the co-operation of the Establishment to breathe the slightest whisper against it; but the fact was, that the date and the chronology were not in favour of the clergymen of the Establishment, and they proved beyond all dispute that the Church acted after the Dissenters in point of time, though they did in substance exactly the same as the Dissenters. They nobly came forward in establishing schools, in planting infant schools, and in spreading cheap literature, but he repeated that, in point of time, they came forward after the Dissenters had begun, continued and succeeded, in all those three different objects. If the clergy of the Church were not entitled to a monopoly of the gratitude of the country, they were at least entitled to a great share of it, for those good objects would not have been obtained to more than half the present extent, if the Dissenters had not had the honour and benefit of the assistance of the clergy of the Church.

Lord *Wynford* contended that before the Dissenters had performed any of these splendid services, respecting which his noble and learned friend had vaunted so largely, the clergy of the Church of England had sedulously promoted the cause of education in their respective parishes by promoting the formation of parish schools. Before any of these Dissenting associations were in existence, there had existed in the Church the Society for the Propagation of the Gospel.

HOUSE OF COMMONS,

Wednesday, April 16, 1834.

Minutes.] Petitions presented. By Mr. Ewart, from Liverpool, for preventing the Importation of Stripped Tobacco from the United States.—By Lords Morpeth and Sandon, Colonel Edwards, and Messrs. Todd, Jerningham, Locke, Johnstone, Finch, and Baines, from a Number of Places,—for the Better Observance of the Sabbath.—By Lord Lumley, from the Members of the Animals' Friends Society, for the Protection of the Dumb Creation.—By Mr. Evans, from Lusk, for an Inquiry into the State of the Irish Fisheries; and from Nethercross, against the Tithes (Ireland) Bill.—By Mr. Potter, from a Society at Manchester, for Alterations in the High Ways Bill.—By Mr. Hope Johnstone, from the Fish Curers of Fife, for Relieving Vessels from paying Light-House Duties more than once in the Season.—By the same, and Admiral Adams, from four Places,—for the Repeal of the Reciprocity of Duties Act; also from three Places, for the Repeal of the Stamp Duty on Receipts —By Lord Lumley and Admiral Adams, from the Hand-Loom Weavers of Blackrod and Alloa,—for Relief.—By Mr. Hutt, from Kingston-upon-Hull, against the General Register Bill.—By Mr. Rigby Wason, from Ipswich, for an Alteration in Municipal Corporations.—By Mr. O'Connell, from Youghal, for the Repeal of the Union.—By Lord Dalmeny, Admiral Adams, and Messrs. Johnstone and Gaskell, from several Places,—for an Alteration in the present System of Church Patronage in Scotland.—By Lords Morpeth, Lumley, and John Russell, Sir Ralph Lopez, and Messrs. Guest, Ewart, Lambton, and Tynte, from a Number of Places, and Dissenting Congregations,—for Relief to the Dissenters.

The Dorchester Labourers.] Mr. *Hutt* had a Petition, signed by upwards of 7,000 members of the Grand National Trades' Union of Kingston-upon-Hull, imploring his Majesty's Government to remit the punishment inflicted upon the six labourers tried and convicted at the last Dorchester Assizes. He (Mr. Hutt) was not the advocate of the Trades' Unions. He thought them most mischievous in their operation, both towards society at large, and those who became members of such bodies. But that was entirely distinct from the question at present before them. The question was, whether his Majesty's Government, having inflicted the severest penalty the law allowed, for an offence which these people were ignorant they were committing, had not transgressed the bounds of justice and humanity? He had himself been a member of a secret society, and had taken a secret oath. He was aware at the time that he was infringing the law; but when he had heard that it had only been acted upon once in a period of forty years, he conceived that it was obsolete, and that a fine of sixpence would be a sufficient penalty for transgressing such a statute. He hoped it would be clearly understood, that these individuals had not been punished for taking a secret oath, but for having been members of the Trades' Unions. He deplored the conduct of his Majesty's Government towards these men, because there was every reason to hope that these Unions were falling to pieces, and would, if not for this step, ere now, have been totally annihilated. The law, he admitted, should be vindicated, but that vindication should have been tempered with justice, humanity, and discretion.

Mr. *Feargus O'Connor* begged to offer a few observations upon the law of the case, although, in doing so, he might, perhaps, be charged with impertinence in placing his opinion in opposition to that of hon. Gentlemen who had yesterday alluded to the Act of Parliament under which these unfortunate men had been tried. It appeared that they had been tried under the 37th Geo. 3rd; and it appeared, also, by a reference to that Act, that it was directed against persons who might attempt to seduce sailors and soldiers from their allegiance. The 52nd Geo. 3rd had been passed for the purpose of explaining the Act, and it was injustice to those men to indict them under the former, when the latter was in existence. He did not hesitate to say, that, if they had been indicted under the 52nd of Geo. 3rd, it could not have been made out that the law had been in the slightest degree infringed. It was plain, from the nature of the oath, and the punishment inflicted, that the crime of these unfortunate men had no reference to the Act under which they had been tried. The hon. and learned Gentleman, the member for Knaresborough, when he had alluded to the Act yesterday, had certainly not read or not considered it properly. These unfortunate men had been most unfairly dealt with. Who, he would ask, had brought forward these Unions, who should really be in their place at that moment? Those persons who had created and used them for their own purposes. It might not be the fashion to speak in that manner, or perhaps it might excite laughter; but he thought that Earl Grey, Lord Brougham, the noble Lord, the Paymaster of the Forces, and the right hon. the Secretary for the Colonies, should be on board the hulks in place of those unfortunate men, for they had been the prime movers and actors in all the transactions which had for their object the promotion of political change by means of unions of the working classes. They were, in short, accessories before the fact, as far as the Dorchester Unionists were concerned. With respect to the Trades' Unions, what was it, he would ask, which caused them to adopt the title of Political Unions? Why, nothing but the imbecile and truckling conduct of the present Whig Government. He was the last man in the world to commend the conduct of those who were guilty; but there could be no doubt, that the unfortunate Dorchester labourers had erred without a knowledge of the law; and such being the case, he considered the sentence a most severe, a most unjust one. Were the present Ministers determined, in spite of every thing they had seen and heard, still to stand between the people and the Throne, cutting off the royal clemency for those who had transgressed the law, because they were not acquainted with it? The Government were actually intimidated by that which had raised themselves into power, and thought themselves justified in pursuing so severe a course, for the purpose of putting an end to the very power they had themselves raised. Would the Government listen to reason? Would they still go on hurrying the people from their allegiance? If they did, all he could say was, their perverseness and folly would almost make rebellion a virtue. For his own part, he had no hesitation in saying, they would go on as long as they could find gentlemen to cheer them; but, if they did, they must remember that the cheer would soon be drowned by the condemnation of the people. That House was the place to which the people looked for relief, but relief could never be afforded as long as an imbecile and truckling Ministry sat on the other side of the House. He trusted the Government would adopt a different line of conduct, for they might be assured, if they did not, when convulsion came, they would be taught what it was to stand between his Majesty and his subjects.

Mr. *Wason* had no doubt of the legality of the sentence passed on those unhappy men. The right hon. Baronet, the member for Cumberland, said, that two days had been spent in considering their case; but then the object of inquiry was not whether the sentence was severe, but upon a doubt raised by the counsel, whether the law applied to their case. Every one knew, that when it became the duty of a judge to pronounce sentence of transportation for any crime, it could not be for a less term than seven years; and he was sure, that if such a term as three years could be given to those men for a punishment, the learned judge would have willingly limited their sufferings to that period. Let no doubt be entertained, then, of the legality of the sentence. At the same time, he thought that the Government should have interposed its authority to mitigate the heavy sentence of those men, and make their punishment more proportionate to their crime.

Mr. *Rotch* did not consider himself called upon to answer the observations of the hon. Member, as the Act upon which he had relied was an Act subsequent to the Act upon which those persons had been convicted. It was impossible, that the persons in question could have been indicted under the 52nd Geo. 3rd, for it did not apply to their case. He must leave the hon. and learned Member, therefore, to make out a better case. When he quoted this Act on which he (Mr. Rotch) had given his opinion, he would then meet him.

Mr. *Feargus O'Connor*, in explanation, observed, that he had not relied upon the

Act to which the hon. Member had alluded. What he had said was, that it was most unjust to indict a person under an Act, when there was a subsequent Act passed to explain it.

Colonel *Evans* was of opinion, that the learned judge was not amenable to censure. The whole affair rested with his Majesty's Government. The question was one of great importance to the peace of the country; for it involved the Government as a conflicting party with all the workmen of the country. If the Under Secretary of the Home-Office were present to hear the statements, the noble Lord might, perhaps, give some satisfactory explanation, which was much needed. No person was more adverse than he was to Trades' Unions; he would not defend them, because he considered that industry was a description of property, which ought to be held the most sacred, and left the most free. He was most anxious to extend protection to every individual labourer; and such protection was quite inconsistent with any undue means of intimidation. He thought that his Majesty's Government were right in inflicting some punishment on those men, but it should have been a much lighter one.

The Petition to lie on the Table.

Lordship of the Treasury.] Colonel *Evans*, in rising to present a petition respectably signed by the Mayor, and others of Hastings, stated, that he should avail himself of this opportunity to put a question to the hon. Member opposite (Mr. Warre), whom he had apprised of his intention to do so. The question was in itself of importance, but infinitely more so, as connected with other matters, to which he should allude. The cause of his taking this matter up, was, that he had been politically, and he might say closely, connected with that part of the county of Sussex, had the pleasure of being acquainted with many of the most respectable and influential of the electors of Hastings, and could not therefore decline to comply with their wishes, in which great numbers concurred, to make this inquiry of the hon. Member for that borough. The question was certainly rather a peculiar one, that of asking a Gentleman if he meant to resign his seat; but then, as he should show, the grounds on which he should do so were even yet more unprecedented, and perfectly justified this step. It was in their recollection the first practical evidence of the loss of the confidence of the public by Government was on the occasion of the Admiralty Board. An hon. Member of the House was appointed a Lord of the Admiralty, who accordingly accepted the Chiltern Hundreds, in the full expectation, no doubt, of being re-elected by his constituents. But the important town of Gloucester did not fulfil those expectations. On the contrary, though his family were powerful and esteemed in the neighbourhood, and possessed indeed the most commanding influence in the county, and though he had previously triumphed as an avowed supporter of Ministers, so altered was the opinion of the electors regarding the Ministry, that they now refused to ratify the appointment conferred on him by those Ministers, and supplanted him, by his previously unsuccessful opponent. Accordingly, that office at the Admiralty had remained to this time without a seat in Parliament. Need he mention Westminster and Marylebone, as confirmatory of the displeasure of the public, with the half-and-half unsatisfactory policy pursued by those in power. Again the highly important office of Attorney General became vacant. A similar result was the consequence. In one respect this was satisfactory. It was a further and a very powerful proof of the state of the public mind, and of what Ministers must expect, unless they adhered more faithfully to their former pledges. So far as the Attorney-General individually, however, as a Member of that House, and a useful Law Reformer, was concerned, he much regretted the exclusion of the learned Gentleman; and he would take the opportunity, on that point, of asking a question of the noble Lord opposite, (whose presence at this time as a Cabinet Minister was quite novel and refreshing,) as to whether the Bills of Reform in certain branches of the law, commenced by the Attorney General while he had a seat in the House, were to be abandoned or carried forward by the Government. Much solicitude was entertained out of doors on this point. He should now come more directly to the case referred to. Several months since, a vacancy had occurred in one of the Lordships of the Treasury. Warned by the difficulties alluded to, the Administration, appeared all this time to have failed in obtaining the acceptance of this honourable and lucrative office, by any Member of the House. At length the hon. Gentleman opposite appeared to have been prevailed on to entertain the question of accepting this office; but with a condition certainly unusual. The office was previously filled by a Member from the northern division of the empire. It had been contended by the friends of Government, that such a selection was essential for the interests of Scotland. The selection, therefore, of the hon. Gentleman, was a departure from that rule, as the hon. Member (Mr. Warre) represented, it might be said, the extreme South. But, here, in candour, he was bound to exonerate the Government from all blame—for the hon. Gentleman had proved most satisfactorily, by the condition which he annexed to his acceptance of the office, that he was by no means devoid of that prudence, caution, and wariness which characterised the natives of Scotland. Therefore, next to a Scotchman, the Government acted judiciously in selecting him to look after the fiscal interests of Scotland. He mentioned this with every feeling of high respect for the hon. Gentleman, who very prudently declined the office, when he found, upon inquiry at Hastings, that it was more than likely he should be ousted from his seat. No Government was ever before so situated as the present. It was clear, by these several instances, that they were not proceeding in unison with the sentiments of the constituencies by which they had been previously returned to this House. Both by the theory and practice of the Constitution, the Commons should represent the sentiments, at least of the electors, if not of the people generally. As Ministers could not go on without a majority of the Commons in their favour,—so, consequently, they should, in political conduct, assimilate with the House, and through the House, with the electors. This obviously now was not the case. Finally, the hon. Gentleman having, by a proceeding totally novel, ascertained that those who sent him to the House no longer approved of his public conduct, he denied, that the former supporters of the hon. Gentleman had now a just claim, in order to be more consistently represented, to invite the hon. Gentleman to give way to a candidate who would represent the opinions of the majority of the electors of Hastings.

Mr. *Warre* said, it was perfectly true, that an offer had been made him of a seat at the Treasury Board; and, upon that being done, he had acted as he thought it was right to do—communicated it to his friends and supporters, thinking that they had a perfect right to see the position in which he stood; and he was sure, that the gallant Colonel was too well aware of what the place which was offered him was, to suppose that he was actuated in what he had done by any improper considerations. He did not consider it necessary to give any other answer to the observations of the gallant Colonel; what he had done was perfectly well known; he did not repent of it; and by the course he had adopted, he was ready to abide. With respect to the statement of the gallant Colonel, that he had lost his supporters, all he had to say was, that it was as easy to make assertions of that description on the one side as on the other. The town had been placarded, as was usual on all elections; and if the gallant Colonel could draw any inference from that, he was most welcome to do so. He would again repeat, that what he had done he should not repent of, and intended to abide by.

Lord *John Russell* did not mean to enter into all the topics that the gallant Colonel had adverted to; but there were one or two points which he felt bound to notice. First, with respect to the course Government intended to pursue with respect to certain bills for the reform of the law; the two principal measures were those which the Attorney-General, when he was a Member of the House, had been pledged to—namely, the Local Courts Bill and the Imprisonment for Debt Bill. With regard to those two measures, it was the fixed intention of his Majesty's Government to carry them through in the present Session. The gallant Colonel had also entered into a discussion with respect to elections, and had taken an opportunity of saying, that in almost every instance of Members of that House taking place under the present Government they lost their seats. That, he was ready to admit, to a certain extent was true; but still the cause of that was very soon explained. The members of former Cabinets had a ready course to regain entrance to the House through a constituency of but few individuals. That, however, was not the case since the passing of the Reform Bill;

and the present Ministers, almost to a man, represented large constituencies. What had, therefore, taken place was not to be wondered at. At the time of the discussion of the Reform Bill, he foresaw that such might be the case, even though the Government enjoyed the full share of the confidence of the people which it ought to have, and in that he was not mistaken. With respect to the two instances in which they had failed at elections, those of Gloucester and Dudley, he thought that the fair inference to be drawn from the result of those elections was, that Government had been going too rapidly on in the way of innovation, and the people, in order to put a stop to such things, had sent Conservatives into Parliament.

Colonel *Evans* could not but give great credit to the noble Lord for the very ingenious manner in which he had accounted for the several failures gentlemen taking office under Government had experienced in endeavouring to obtain a seat in that House.

Petition laid on the Table.

HOUSE OF LORDS,

Thursday, April 17, 1834.

MINUTES.] Bills. Read a second time:—Burning of Land (Ireland).

Petitions presented. By the Bishop of EXETER, from Wambrook, for Protection to the Established Church.—By the Earl of WARWICK, from the Master Hatters of London, for the Suppression of Trades' Unions.—By the Marquess of SALISBURY, from Great Missenden, for an Alteration in the Poor Laws.—By the Earl of HAREWOOD, from several Places, against any Alteration in the Corn Laws.—By the same, and the Bishops of EXETER and LICHFIELD, from several Places,—for the Better Observance of the Sabbath.

HOUSE OF COMMONS,

Thursday, April 17, 1834.

MINUTES.] Petitions presented. By Sir JAMES GRAHAM, from Aspatria, in favour of the Lord's Day Observance Bill; and from the Clergy of Cumberland, against the same Bill.—By Sir ROBERT PEEL, from Bryngirran, for preserving the Union between Church and State: and from the Presbytery of Skye, against any Alteration in the System of Church Patronage in Scotland.—By Mr. WIGNEY, from Brighton, against the Employment of Climbing Boys.—By Mr. GOULBURN, from Maddington, against any Measures likely to weaken the efficacy of the Established Church.—By Messrs. HODGES and RYDER, from Goudhurst, and other Places, for the Repeal of the Malt Tax; and by Mr. HODGES, from Marden, against Tithes.—By Sir GEORGE STAUNTON, Sir HYDE PARKER, and Messrs. FRYER, HODGES, DENISON, WILKS, WILLIAMS, and WIGNEY, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. WIGNEY, from the Journeymen Bakers of Brighton; and by Serjeant SPANKIE, from those of Finsbury, for a Clause in the Lord's Day Observance Bill to prohibit Sunday Baking.—By Sir GEORGE STAUNTON, Sir HYDE PARKER, Mr. RIDER, and Mr. WILKS, from several Places,—for the Better Observance of the Sabbath.—By Mr. W. CHAYTOR, from Evenwood, against the General Register Bill.

THE CORN LAWS—FOREIGN MEAL.] Mr. *Clay* presented a petition from Wapping, praying to be permitted to take meal and flour now in bond out, convert it into biscuits, and return it into bond so that it might be exported as biscuits. The petitioners, after stating that the business of biscuit-baking formed a most important branch of manufacture at the seaports of England, proceeded to set forth the depressed state of that trade. They attributed the great falling-off to the operation of certain acts of Parliament lately passed, by which most of the shipping engaged in the British colonies were supplied by the Americans or other foreigners. They were of opinion, that if the recommendation contained in the petition were carried into effect, the trade, which was now almost entirely engrossed by foreigners, would be restored to this country; that a great increase of British labour would necessarily take place, and that above all, the paramount interest of British shipping would be greatly benefited by bringing flour here, and carrying the biscuits away to supply our colonies and dependencies, as well as by obtaining biscuits at a much lower rate. It was unnecessary for him to say one word in that assembly upon the importance of affording every support to the shipping interest; the commercial prosperity of the country being so intimately bound up with it. By the evidence given before the Committee last year, it distinctly appeared, that of all the interest in the country, the shipping interest was in the most depressed state. By the Reciprocity Act of 1826, the shipping interests had been deprived of all protection by throwing the trade open to the competition of all nations that would consent to pay the duties. He should not have given notice of his intention to present this petition but for the great advantage the shipping interest, in his opinion, would derive from the recommendation contained in the petition. Depressed as that interest was, it was, perhaps, the only mode in which relief could be afforded without any infringement of the other great interests of the country, while, at the same time, it would be a further extension of the great principles of free trade, the general adoption of which alone could benefit the depressed commerce of the country.

Mr. *Cayley* said, he felt as much sympathy for the shipping interest as the hon. member for the Tower Hamlets; but he thought the way to have the biscuit-baking trade restored to this country, was to prohibit the importation of foreign manufactures. At present biscuits were admitted from all parts of the world at an *ad-valorem* duty of twenty per cent; and he was informed by an intelligent correspondent, who had been many years a miller and baker, and who had gone over to Dantsic to establish a baking trade, that biscuits could be baked there at 10*s.* per cwt., and, after paying a duty of 2*s.*, could be sold for 13*s.*, at a profit of 1*s.*, whereas, notwithstanding the low price of agricultural produce in this country, they could not be manufactured here under 18*s.* per cwt. He thought it time such an indirect evasion of the Corn-laws was put a stop to.

Mr. *Robert Wallace* said, many of his constituents were in the same situation with respect to biscuit-baking as those of the hon. Member who presented the petition. They found it impossible to continue their manufactories while such superior advantages were enjoyed by their continental neighbours, for which, however, he and they saw no other remedy than a repeal of the Corn-laws. Unless that took place, protection to a great extent must be afforded them which would injure other trades.

Mr. *Tower* said, the Petition was a most unfair one, and hoped that its prayer would not be granted. The Repeal of the Corn-laws would be nothing better, in his opinion, than a species of political swindling.

Mr. *Clay* said, that the present price of biscuits was 14*s.* per cwt., whereas, if the prayer of the petition were to be granted, biscuits could be made at 8*s.* per cwt. The boon, therefore, to the shipping interest would be of the greatest importance. If that boon were not granted, all the branches of trade connected with supplying biscuits would depart from this country.

Sir *Charles Burrell* was confident, that the landed interest had no desire whatever to interfere with the shipping interest, but were perfectly ready to give it every fair consideration. He, for one, thought, that the shipping interest had been very harshly treated by what was called free trade, acting on the principles of which had been productive of great injustice. A large portion of the carrying trade had already been driven by that means from this country. If the boon sought for could be granted without encouraging fraud, so far from the landed interest interfering to prevent the shipping interest obtaining that advantage, they would readily forward that object.

Mr. *Thomas Attwood* said, it was now proved, that the Corn-laws had not paid the National Debt, nor enabled the landed interest to discharge the mortgages and incumbrances on their property. They had, therefore, been most inefficacious. In fact, they did not protect the farmer, and they ruined the manufacturer. The Corn-laws had acted most delusively and destructively to the landed interest. He wished for fair and remunerative prices, such as would give the labourer what he ought to receive,—namely, 15*s.* a-week for his labour. But those laws would not give that price; money laws only would do it. He begged to remind the hon. member for Harwich (Mr. Tower) who said, that the Repeal of the Corn-laws would be political swindling, that during the last sixteen or seventeen years the prices of corn had greatly fallen. During the three years ending in 1819, the price of wheat was 10*s.* a bushel, and the working and labouring classes were much happier than at present. In 1819, when we altered the monetary system, and had recourse to bullion payments, the agricultural prices fell; and what was the reason? It was because that House adopted measures which took away the money from the pockets of the great mass of the people. Those measures had the effect, in a great degree, of closing millions of hungry mouths, and prevented our produce from being received by the foreign markets. That system went on, with little intermission, from 1819 to 1822, in which year Lord Castlereagh introduced in that House five measures again affecting the value of money; such as the measuse for authorizing the issue of 1*l.* notes, and the increase of loans by the Bank of England, which gave a temporary relief to the burthens of the people. When, in 1825, the Bill of 1819 was put in force, again our ports were nearly closed, and the agricultural prices had been going down ever since, although the population, subsequently to 1811, had increased thirty per cent. He acknowledged that agricultural prices were ruinously low; he wished to raise them; but he denied, that it was possible to raise them by creating an artificial famine. The proper way would be, to fill the people's pockets with money, so that, having the means of purchasing, they should be enabled to gratify their wants, and fill the hungry mouths of themselves and their children. The hon. member for Harwich must know that, having adopted the continental measure of value, they could not possibly, by any Corn-laws, prevent agricultural prices from falling to the continental level. This was a fact as certain as that day and night followed each other. They were not cut down yet to the continental level, but they were driven down by a power they could not resist. He would say, that it was as certain as the day and night, that to the continental level they must fall; and in two moments he would give proof of it. They could not expect that gold could be kept in this country when it acquired a higher value by being sent to the other side of the channel. He would say, that, if they wished to keep gold in this country, they must build up a wall so high, that a cuckoo could not fly over it. They must not only prevent wheat from coming in, but they must prevent gold from going out; but knowing, as they must, that gold would seek the market where its value is highest, they must acknowledge, that, if it commanded more at one side of the Severn than the other, it would most certainly go to that side where it would command most, and, in the same way, on the other side of the channel. Gold, like water, would find its own level. He had foretold the consequence of the measure of 1819; and he was sure, that those who then sanctioned that measure would, if they had known the consequences, have had their arms drawn from their bodies, before they would have consented to pass it into a law.

Mr. *Hume* saw no connexion between the question of currency and the subject under the consideration of the House. The simple question was, whether the shipping interest of this country was to receive the benefit of biscuits manufactured here on the same terms as they could be manufactured by foreigners? It was a question of the greatest importance, not only to the shipping interest, but to the country at large, and one that the Government ought to take under their serious consideration. He gave the prayer of the petition his cordial support.

Mr. *Poulett Thomson* was surprised, on reading the prayer of the Petition, that a discussion should have arisen upon such a variety of subjects, when the House had merely to consider the propriety of permitting bonded corn to be manufactured into biscuit, and returned again into bond. He could assure the House, that the subject had received from the Board, to which he had the honour to belong, the best attention it was in his power to give. It might be advisable to permit flour to be ground in bond, or to be baked into biscuit in bond; but he must fairly say, that the question was so surrounded with difficulties, and the practice, if permitted, would open such a door to fraud, that no means yet devised to prevent it was sufficient to induce him to propose such a measure to Parliament. They had the experience of former years to prove the consequences of such an alteration. A measure had been introduced by Mr. Huskisson to allow wheat to be ground into flour in bond; and the effect was, that fraud to a very considerable extent took place. The same result would be produced in this case, but much more extensively, as it would be more difficult to prevent the biscuit coming into home consumption than the flour. Nevertheless, admitting the extent of the difficulty, and the probabilities of fraud, if any further attention to the subject could suggest the means of conceding the boon without danger, no man living would be more happy to attempt it than himself. With regard to the consumption of foreign produce by the shipping interest, the House was aware that the Customs' Act contained a clause, authorizing the Treasury to allow ships to take provisions out of bond for consumption; but the shipping interest considered this as no boon, and had at first refused to avail themselves of it, although they had subsequently changed their minds on the subject. Different interests had interfered, and that clause had not been acted upon in regard to flour, though it had in some other articles. If the parties interested could agree among themselves, he should be happy to meet their wishes by bringing the provisions of the Act into operation.

The Petition was laid on the Table.

ORDER OF THE BATH.] Mr. Secretary *Stanley* brought down the following Message from the Crown:—

'WILLIAM R.

'His Majesty acquaints the House of 'Commons, that, having taken into his 'consideration the present state of the Most 'Honourable Military Order of the Bath, 'he deems it proper that measures should 'be taken for regulating and limiting the 'number of the members of the several 'classes, as well as for the purpose of relieving persons, upon whom, in future, 'this distinction shall be conferred, from 'the payment of fees and charges, as authorised by the existing standards and regulations. His Majesty makes this communication, in the perfect confidence that 'his faithful Commons will direct due in-

'quiries to be instituted as to the losses to 'be sustained by the respective officers in- 'terested in the fees, and enable his Ma- 'jesty to award to them such compensation 'as may be judged expedient.'

On the Motion of Mr. Secretary Stanley, it was ordered that the House should take the Royal Message into consideration to-morrow, and that it should resolve itself into a Committee for the purpose.

WORSHIP IN PRIVATE HOUSES.] Mr. *Hardy*, in moving for leave to bring in a bill to repeal the Act of 52 Geo. 3, c. 155, in so far as it related to the assembling of twenty persons, besides the family, for the purpose of religious worship in a private house, said, that in the year 1812, at the request of the Wesleyan Methodists, an act was very properly passed, the 52d Geo. 3rd, repealing the 13th, 14th, and 17th of Charles 2nd, and also the 22nd Charles 2nd, commonly called the Conventicle Act. The second clause, however, of the Act of Repeal restricted the number of persons assembling in a private dwelling-house for worship, exclusive of the family, to twenty. That clause of the Act was continually violated; more especially in districts where there was a want of public accommodation for the purposes of religious worship. Persons assembled in a greater number than twenty, were rendered liable to the penalties prescribed by the act,—penalties serious in amount, and one-half of which would go to the informer, and yet there were many places where the violation of it was necessarily habitual. What he wished to do was, to restore to every man the right and privilege which he possessed by the common law of the land, to assemble as many persons as he pleased in his dwelling-house for the purposes of worship and religious instruction. The House was not to imagine that this part of the act had been allowed to lie as a dead letter. In some instances it had been very improperly, and with great impolicy, carried into force. It had been enforced, for instance, against Lord Barham, who had religious worship performed in his servants' hall by more than twenty persons. Under the existing law, the minister might talk as long as he pleased to a congregation so assembled—the congregation might, if they pleased, talk sedition or blasphemy with impunity; but the moment that he and they committed an act of worship or adoration, they were liable to the penalties prescribed by this act of Parliament. He concluded by making his Motion.

Lord *Althorp* entertained great doubts as to the policy of passing such a bill as that now proposed by the hon. Member. He would not, however, oppose its being brought in. He must, at the same time, say, that it was a measure which would, at a future stage, require the serious consideration of the House.

Mr. *Wilks* begged the House to bear in mind, that this was not a measure for the relief of the Protestant Dissenters, but for the relief of the members of the Established Church. He would not give it any opposition. It was for the House, however, to consider how far it was expedient to put an end to the regulation in question. He would frankly state, that the Methodists and Dissenters of England did not complain of it. The operation of the proposed bill would be to relieve the members of the Church of England from a regulation of their own Church.

Mr. *Hardy* observed, that the bill was intended for the relief of all parties. There would be a provision in it, reserving to bishops and other ecclesiastical authorities, the spiritual powers which they at present possessed in reference to all assemblies of members of the Church for the purposes of religious worship.

Leave was given.

POOR LAWS—ENGLAND.] Lord *Althorp*, in rising to call the attention of the House to the existing laws for the relief of the Poor in England, said, that most undoubtedly the Motion which he was about to introduce for the consideration of the House, was one of as great importance as any that had ever been submitted to its notice. The present state of the Poor-laws of this country had long been a subject which had occupied the attention and engaged the minds of the ablest men in it, and various attempts had been made from time to time by persons very conversant with their operation and effects to amend those laws, to remedy the evils, and to correct the abuses engendered by them; but hitherto unfortunately all such attempts had uniformly been unsuccessful. Such was the state in which his Majesty's Ministers, when they came into office, found the present system of Poor-laws. They found, that for many years complaints had been made as to the mode in which the administration of the Poor-laws had affected every class more immediately connected with or interested in the soil,—the landed proprietors, the farmers, and the poor themselves; they found that the administration of the Poor-laws had been injurious in its operation to every one of those classes; but, most of all, it had been injurious to the labouring classes themselves. Such being the case, his Majesty's Ministers thought it their imperative duty, as a Government, to apply themselves at once to this question, and to consider what course they ought to pursue with a view to remedy the evils connected with it—evils of long standing, and of serious injury to the country at large. After giving the subject that consideration which its importance demanded, they felt, that the best course to adopt in the first instance was, to issue a commission of inquiry. There had been already, they were well aware, many committees of inquiry in that House upon the subject, and a great mass of information had been in that way collected with regard to it. But such a mode of proceeding, it was obvious, always carried this defect along with it—that all such information being collected from gentlemen who had come up generally as volunteers to give evidence on the subject, each prepared with his own particular system as the grand remedy that ought to be adopted, it was greatly deficient in facts, while it was abundantly contaminated with opinions and theories. They had collected a vast deal of valuable information as to opinions on the subject, but not so much as to the facts connected with it; though he need not remark, that the latter species of information was by far the more important of the two, and was indeed indispensably necessary to guide the Legislature to anything like a safe and sound system of reformation. Under these circumstances, his Majesty's Government thought that the best mode was to issue a commission to make inquiries in the country districts of the south, in order to ascertain what was the cause why in some parts of the country the Poor-laws were considered a benefit by parishes, while in others their operation had been ruinous and destructive, and why, in some agricultural districts, certain parishes existed in which the Poor-laws appeared to do no harm at all. In issuing such a commission of inquiry, his Majesty's Government conceived that this benefit (no small one) would at all events be reaped from its labours—that having a general view of the state of the Poor-laws and of their administration, and a large body of important facts connected with that administration, thus laid before the country, those parishes throughout the kingdom, where injurious effects had arisen from their operation, might profit by the experiments made in other parishes where different effects had followed, and might adopt the improvements which the examples of such parishes suggested to them. He would confess, that he himself had been one of those who, in the first instance, thought that the experiment of issuing a commission would be able to carry them nothing further than this, which, however, he conceived would be in itself a great benefit for the country—namely, the exhibiting the proofs how an improved management had produced an improved state of the Poor-laws in certain parishes, while in others bad management had been productive of the most calamitous results. He was ready to admit, that, having experienced the failure of so many attempts of the Legislature to remedy the defects and abuses of the Poor-laws, he had not been sanguine that any legislative attempt which he might make would be more successful. It was under these circumstances, and with a view to guide the Legislature in its decision on this important subject, that the commission of inquiry had been issued; and he was borne out in saying, that the report of that commission was a most valuable document. It had shown to the whole country what was the state and operation of the Poor-laws in different parts of it. It had shown to the country what great improvements might be made in that state by exhibiting the trial and consequences of alterations and improvements in the administration of the Poor-laws in various parishes, while it furnished at the same time a frightful picture of the horror and misery occasioned in other parishes by the mismanagement of those laws. Even in that respect, leaving other considerations for the present out of account, the Report of the Commissioners would be productive of the greatest advantage to the country, and to no class more advantageous than to the labouring population. He believed that, in fact, it had been already productive of much good; he believed that the Report of the Commissioners—that was to say, the abstract of the evidence collected by them that had been published last session—had already operated in the most beneficial manner. It had been disseminated throughout the country; gentlemen in various districts had profited by the examples and facts which it furnished, and already improvements in the administration of the Poor-laws had been effected in several parishes. He must say, however, that the principal advantage produced by the Report of the Commissioners was this—that it had exhibited such a picture of the bad effects of the Poor-laws in many districts of the country, that he did think it had now become the bounden duty of the Legislature to interfere and endeavour to remedy an evil fraught with the most destructive consequences to the whole community. He had already said, that the effects of the Poor-laws had been injurious to the landed proprietors, injurious to the farmers, and, above all, injurious to the labouring population. He would now assert, and he would appeal to the facts detailed in the Report of the Commissioners for the confirmation of what he stated, that the effect of the Poor-laws tended directly—he meant to say, that the present administration of the Poor-laws tended directly—to the destruction of all property in the country. It had been said, that this would lead to an agrarian law—it would lead to worse than that. An agrarian law was the division of property, but the present state of the Poor-laws in this country tended to the destruction of all property. He could not conceive any thing more fatal to the very class for whose benefit those laws had been enacted, than to allow them to go on in their present destructive course, without an attempt on the part of the Legislature to put a check on them. He begged, however, that in making that statement, he should not be understood as expressing his disapprobation of a well-regulated system of Poor-laws. So far from that being the case, he was of opinion, that a well-regulated system of Poor-laws would be productive of great benefit to the country. He was aware that he was now expressing an opinion contrary to the more strict principles of political economy. Indeed, those principles went further, for they even prohibited the exercise of private charity itself. The more strict principles of political economy implied that every man should be left to provide his own subsistence by his own labour—that he must know what his family cost—that he alone should provide for them; and that he ought to make a provision for the calamities which sickness and misfortune might bring upon him out of his previous savings. Such was the doctrine of political economy. But as long as we were accessible, not only to the feelings of religion, but to the dictates of humanity, we must be convinced that the support of those who were really helpless, and really unable to provide for themselves, was not only justifiable, but a sacred duty imposed on those who had the ability to assist the distressed. It was, therefore, to the abuses of the system of Poor-laws, not to the system itself—it was to the bad administration of those laws, not to their principle—that he objected. For a long period of years, the administration of the Poor-laws was free from the evils and abuses now connected with it. He believed, that he was correct in stating, that the present bad effects experienced from the administration of the Poor-laws dated their commencement from about the beginning of the present century, and that they originated in measures intended for the benefit of that class of the community—the labouring population—to whose interests and welfare they were now most destructively opposed. A feeling at that period had got abroad, that discontent existed amongst the working classes of the country, and a principle was then adopted in legislation, which, though no doubt well intended, and though it might be said to be a very humane principle, had been productive of the most baneful effects. He was now alluding to the 36th George 3rd, in which the principle was laid down, that the relief to paupers ought to be given in such a manner as to place them in a situation of comfort. Now, however we might wish to place all our countrymen in a situation of comfort, to give such relief as that described in this statute, was, he considered, the duty of private charity, and should not be provided for by a compulsory rate. The effect of this law was, to give the Magistrates the power of ordering relief to be given to the poor in their own dwellings. That had been followed up by the Magistrates acting upon the same principle, which was so consistent with every good feeling of human nature, that it was impossible to blame them; and yet it was a great mistake, though originating, undoubtedly, as he had already said, in the best feelings that animate mankind. The consequence of it had been, to lead from bad to worse. All feelings of independence on the part of the labourers had been almost entirely extinguished in many parts of the country, and the result had been, that, instead of placing the paupers in a state of comfort, all the labouring population in many districts of the country had been reduced to a state of deplorable misery and distress. That the present was a question of extreme difficulty no one who had given it the slightest or the most cursory attention could for a moment doubt. The length of time during which the operation of this system had been going on, in its consequences producing throughout whole districts of the country that distress which it was intended to relieve, rendered it impossible to expect that at once, or by any rapid measure of legislation, we should endeavour to counteract the evils engendered by it. The greatest caution was undoubtedly necessary in dealing with such a question; at the same time, the present system could not be allowed to continue. The consequences to which it tended were so frightful—the dangers incurred by leaving it as it was were so urgent and so great, that the Legislature was bound boldly to meet the difficulties of the case, and, while they acted with the utmost caution, to adopt right principles, and unflinchingly carry them into execution. They had the advantage, in legislating on this question now, that they were not working entirely in the dark, because, in many parishes in the country, a good system in the administration of the Poor-laws had been already adopted and acted upon. They could see how the system, improved and well-regulated, had worked in those parishes; they could see the advantages which had been there derived from it, and they were thus enabled to refer to experiments already made, to guide them elsewhere in the work of reformation. He was ready to admit, that it did not follow, that, because such experiments, tried in isolated and individual parishes, had been successful, that, therefore, the same alterations, if adopted all over the country, would be attended with equal success. It was obvious, therefore, that to legislate successfully on this subject, to benefit by the examples already set, and the experiments which were now witnessed in successful operation, the House must act gradually, introduce the improved system into different parishes step by step, ascertaining its effects in its progress, and thus more certainly insure its final success. He was aware that there were many difficulties in following such a course, because they could not expect to find, in all parishes, the same zeal and ability which had caused improvements in particular parishes. To force improvements, which had been voluntarily made in one place, into another, very much enhanced the difficulty of legislating on the subject. He believed, that the number of parishes in which an improved system had been already, either entirely or partially, adopted, amounted to 100. In Berkshire, it had been adopted in two parishes; in Buckinghamshire, in one; in Cornwall, in one; in Devonshire, in one; in Dorsetshire, in one; in Hertfordshire, in three; in Lancashire, in one; in Nottinghamshire, in fifty-four; in Suffolk, in twenty-four; and in Brecon, in one parish. It appeared, therefore, that the experiment had been tried in every part of the country—in some districts, even, which had been extensively pauperized; and, in every one of them, he believed, the experiment had succeeded as far as it had been already tried. Notwithstanding such facts would justify them in acting on such an experiment—so generally, and, in so many different places, tried with success—yet still he would say, that they should proceed with the greatest caution. If they should attempt, in an Act of Parliament, to fix a time when an alteration of the present system should take place, they might find themselves placed in this difficulty—that it might be fit to direct a change of the system at an earlier period in some parishes than others; that, in some districts of the country, though the evils inseparable from the present system had already begun to show themselves in all places, they had not yet reached the height in some which they had in others; and, certainly, it would be impossible, at once, to apply the same system to parishes almost pauperized, and parishes where the evil was not so pressing, nor the distress so great. The course which, under such circumstances, he was about to recommend to the House for its adoption, was, he was free to admit, an anomalous one, and one which went to establish a new and a great power in the country. He would, however, ask the House to consider the alternative which they had between the measure he now proposed and leaving things as they were. He would again entreat the attention of the House to the frightful consequences of the present system, if it should be allowed to go on as it was proceeding. If it should proceed in its course of destruction for the future as rapidly as it had hitherto done, and that rapidity was likely as it went to be accelerated, what would be the result? At present some parishes had been actually abandoned, so heavy was the pressure of the rates, and so great the evils of mismanagement. The consequence was, that the neighbouring parishes were compelled to support the poor of the deserted parishes, they, too, would soon be reduced to a similar situation, and this pauperism would stride with increased and every-day increasing rapidity throughout the land. He felt justified, therefore, under the circumstances, in submitting the present measure to the House. It was a measure he conceived, at all events, grounded upon prudence and caution. It was absolutely necessary that there should be a discretionary power vested in some quarter to carry into effect recommendations calculated he hoped, to introduce sound principles and the fruits of salutary experience into the administration of the Poor-laws. The principal subject then for them to consider was, where that discretionary power should be placed. If they vested it in the local authorities, or in the local magistracy, however well intentioned they might be, deprived as they would be of those sources of general information and comparison open to a board of Commissioners, and however excellent their motives, biassed as they must be by local prejudices and local feelings, it was plain that such a quarter would not be the fittest one to invest with a discretionary power for carrying the measure into effect. It was therefore his intention to propose, that his Majesty should be authorized to appoint a central board of Commissioners, vested with such power for that purpose. It would be necessary to invest the Board with extraordinary power, to enable it to accomplish the object proposed, but that power would be subject to the constant control of the Parliament and the Executive Government. There was one part of the administration of the Poor-laws which, however difficult it might be to effect, yet was essentially necessary, and without which no discretionary power ought to be extended, and that was, to fix a day (and that day he should propose, in the measure he sought to introduce, to be in one of the summer months of the next year, when the agricultural labourers would, of course, be in full employment), when the allowance system, as it was called, should entirely and altogether cease. He was aware of the great difficulties which might be suggested to this proposition, but having for many years acted as a magistrate in a county in which the allowance system had been adopted, from his own experience of its operation, he was perfectly satisfied that so long as that system was permitted to exist, it would be impossible to carry into effect any suggested improvement, or to bring the Poor-laws into a better condition. The present was not the first time by many that he had advocated such a measure in his place in Parliament, for the purpose of preventing persons employed by individuals receiving parochial relief. He had supported a Bill which had been repeatedly brought before the House by his hon. friend the member for Shrewsbury; indeed, he had ever thought that such was the first step necessary to bring the Poor-laws into a proper state. He begged the House to consider on what grounds it could be thought that such a change could produce that difficulty and danger which he had reason to believe was so feared by some hon. Members. He admitted, that at first sight the proposition might appear difficult to adopt, but it was well to bear in mind that the payment of labourers as much by the parish as was paid by their employers was, in many and innumerable instances, wholly derived from the parochial funds; so that the farmer gained an advantage which he ought not to gain—namely, that of receiving assistance for the payment of those whom he employed. Against any difficulty which might be opposed to the abrogation of the allowance system he would set off the advantage to be derived by the farmer from obtaining independent labourers, and if he lost a little money by paying full wages instead of employing men paid partly by the parish and partly by himself, he thought the advantage of having superior labourers, and his work better and more cheerfully done, would be found fully to compensate the pecuniary loss. He thought no man could doubt but that the change in the system would be productive of benefit and advantage to the labourers themselves. It was possible it might appear to some hon. Gentlemen that the agricultural labourer, having at present an addition from the parochial funds to the amount of the wages paid by his employer (that addition being regulated according to the number of his family), the effect of taking away that assistance would make it impossible for him to maintain himself and family. He (Lord Althorp) did not think such would be the case, for he believed, nay, he felt confident, that as the labourer regarded the parochial assistance now added to the wages he received from his employer as making the total wages to which he was entitled for his labour and industry, a very short time would elapse after the removal of that assistance before wages would rise to an equivalent amount, and as soon as that was the case, the situation in which the labourer would be placed would be infinitely preferable to that in which he at present stood. He repeated, therefore, that before it was possible successfully to proceed with the amendment of the present system of Poor-laws, whatever difficulty might appear, it was absolutely necessary to get rid of this most leading error —the allowance system—an error which was the foundation of almost all the evils arising from the existing system. Having stated thus much, he again came to the consideration of the discretionary powers with which it would be necessary to vest the Central Commissioners. He need not say, that an immense advantage would be obtained by the establishment of an uniformity of system throughout the country, and therefore he proposed, that the Commissioners should have power to make general rules and orders as to the mode of relief and for the regulation of workhouses, and the mode of relief afforded therein. He admitted, that these were great discretionary powers to be given to any body of men, but he should propose, as a check against any abuse, that before any such rule, order, or regulation so proposed by the Commissioners should be valid, it should be submitted to the Secretary of State, and remain forty days, and it could only be brought into action if during that period an Order in Council, issued for that purpose, did not prohibit it from being carried into effect. He observed some hon. Gentlemen seemed to dissent to this portion of the proposition; he admitted, that by this measure he was asking for extraordinary discretionary powers, but at the same time he must contend that it would be utterly impossible to carry an improvement in the present system of Poor-laws into effect without acting upon great discretionary powers. If any hon. Gentleman would find a better authority in whom to vest these powers, he should be happy to attend to any suggestion to that effect; but as he believed no better or more competent authority could be established, he hoped the objection would not be generally supported by the House. To return to the powers which he proposed to vest in the Board of Central Commissioners; they would be enabled to make general rules and regulations subject to the approbation, or, he should rather say, the non-disapprobation of the Secretary of State and the Government, in the manner he had already stated—to have power to make specific rules and orders for the regulation and mode of relief of the poor in separate districts and parishes—to form unions of parishes in order to make larger districts—to arrange classifications of poor in the same or different workhouses, and also to have a general power of control in such unions as might be established without their consent, and to dissolve unions which might now exist. As to the unions when formed, each parish in such unions must maintain its own poor, or contribute to the general fund the proportion of expense which it had heretofore borne itself. He did not mean to say, that it was not intended to empower individual parishes, if they so thought fit—that was to say, if the vestries in each parish should agree to such a proposition—to make a different arrangement, but he thought it was desirable that parishes should have power to unite for the purpose of parochial settlements, and for the Poor-rates altogether. Such a power, however, ought not to be vested in the vestries of parishes themselves, as such a body could not be considered competent to form satisfactorily or safely such unions. He should also propose, that the Commissioners should have authority to suggest to parishes or unions of parishes the propriety of adding to their workhouses, or of building new workhouses, as circumstances might require. In the present state of the agricultural interest of this country, he should be sorry to place in the power of any body of men the authority of compelling the expenditure of any large sum of money, but he at the same time should wish that the Central Commissioners should be invested with power to call the attention of parishes and unions to the state of their workhouse establishments, and to suggest to them the propriety of adding to those formed, or building, separate or distinct establishments. He should also propose, that in certain cases a difference should be made in the constitution of parochial vestries. At present these bodies were composed of rate-payers and no one else, and in many instances the means of a large expenditure was inflicted on those who had no vote in the vestry. He should, therefore propose, that with respect to raising permanent sums of money, such as for the purpose of facilitating emigration, and improving and building workhouses, the landlord as well as the occupier of land should have a vote in the vestry. It was only equitable that such should be the case, because where the occupier had not been long in possession of a farm, and had very little interest in the expenditure, it was most desirable that the permanent interest in the land should have a vote in these cases. He had already stated, that from the conclusion of the last century up to the present time, the Magistracy of this country, though acting with very good feeling of humanity, had in the administration of the Poor-laws fallen into considerable mistakes, and he had himself, in his own situation of a Magistrate, not unfrequently felt bound to act upon bad and erroneous principles in this respect. With this view he should propose, that justices should not in future have the power of ordering parochial relief to persons in their own houses—he meant out-door relief to the poor. This would not be an alteration of the present law, but would be a restoration of the law to the state in which it was previous to the year 1796, a period since which the abuses in the management of the Poor-laws had very considerably increased. He had now submitted the main and principal part of the propositions which he had to propose for the adoption of the House. The House would now see, that the effect of this measure was, to stop the allowance system—to deprive the Magistracy of the power of ordering out-door relief—to alter in certain cases the constitution of parochial vestries—to give large discretionary powers to the Central Commissioners—and to carry into operation further regulations which might be found essential, in order to improve and bring into a good state and condition the present system of laws regulating the relief of the pauper portion of the community. There remained, however, two other subjects to which he should also wish to call the attention of the House. The first point was with reference to the existing law of settlement. He need not say to those who were acquainted with the subject, that the present law was most complicated in its character, involving great litigation, and consequently considerable expense, to every parish in the country. In addition to these evils, a still worse effect arose from the present law; he alluded to its interference with the free circulation of labour. The worst portion of the law was that which gave a settlement by hiring and servitude, but he was inclined to say, that every mode of acquiring a settlement ought to be abolished except only those of birth or marriage. With regard to the mode of fixing birth as the test of settlement, he should say, that the children should follow the settlement of their parents until they attained the age of sixteen years, and that after that period their settlement should be fixed at the place of their birth. To the proposition as to settlement he only anticipated two objections. The first was the hardship which would be inflicted upon an individual who had quitted the place of his birth in early life, and in another parish supported himself for a long series of years by his own industry, by his removal when fallen into want and decay, and thereby become chargeable on the parish, to the place of his nativity. He was aware that such might be the case; but he did not think, that when a man had supported himself in a distant parish from that in which he was born, by his industry and labour to an old age, it would be likely that he would be so destitute of friends that his removal would be permitted. The other objection was not intitled to so much weight as that to which he had alluded. It was generally considered that the best labourers were those who did not belong to the parish in which they exercised their industry, and that the effect of making birth the test of settlement in all cases would be, that such labourers would always come back to their own districts. From his own experience he could say, that he had seen as good labourers in the parish of which they were natives as those who did not belong to it; but even if the latter were the best servants, as was supposed, he did not think that any man would speculate on a settlement sixteen years hence, and on that speculation abstain from his giving employment to those whom it would be most to his advantage to have in his service. He, therefore, conceived the fears which might be entertained from a change in this respect were merely imaginary, and, in his opinion, the advantages to be gained by the removal altogether of local settlements otherwise to be acquired, were so great as completely to counterbalance the objections which he had anticipated. One of the advantages to be gained would be the complete simplification of the system; the apprehensions at present entertained by the farmer of hiring a man for longer than fifty-one weeks lest he should gain a settlement would be abolished; the removal of his clothes from the house of his employer within that period for a day would become unnecessary, and, therefore, it would follow that the farmer would not hesitate to take the labourer best calculated to suit his purposes, and consequently the labourer who best deserved it would obtain employment. These advantages were of themselves important; but to them must also be added the immense diminution in the expenses of litigation on questions of settlement, because by simplifying the law the difficulty of proof which at present prevailed would be almost entirely removed, while, at the same time also, it would give a freedom to labour which would be beneficial to the whole population of the country. He had also already spoken of another alteration in the present law, with respect to orders of removal, and of appeal therefrom. He would propose that it should be provided in the measure he hoped to introduce, that no order of removal should take effect until a copy of that order, and of the examination upon which it had been pronounced, should have been served upon the authorities of the parish to which the removal was contemplated; and he should further propose that every notice of appeal should set forth the precise grounds upon which it was to be sustained, and also that it should be provided, that on the trial of such appeal before the Quarter Sessions nothing should be pleaded or discussed, and no points raised beyond those stated in the notice given in the manner he had suggested. He need not say, that the first of these measures would have a very considerable tendency to prevent litigation, inasmuch as the parish which was sought to be burthened with the maintenance and support of a pauper would be enabled to ascertain whether or not it was properly chargeable; whereas, under the present state of things, it was well known that removals of paupers were made under mistake, and those mistakes were not discovered until the appeal was brought before the Quarter Sessions. The second regulation which he proposed also was calculated to prevent litigation, because by such explicit statement the parties sought to be affected would be enabled to judge whether they had any prospect of success by opposing, and if not, the order would necessarily be abandoned. Such would be the case as to the amount of litigation between individual parishes; but he must remark that by the change he proposed, the advantage would be still greater by the union of parishes, which would diminish considerably the number of pauper removals. There still remained another point bearing upon the subject of the existing Poor-laws, and on which, though he had long felt considerable difficulty, he felt himself forced to come forward on the present occasion to state the opinions entertained by himself and the Government: he alluded to the law as it now stood relating to illegitimate children. On this topic he did not hesitate to say, that the present state of the law in this respect was a direct encouragement to vice and immorality, and that the effect of imprisoning the reputed fathers of illegitimate offspring, frequently the finest young men in the country, was to demoralize and corrupt them, and the consequent mischief and injury inflicted upon the whole community was incalculable. He begged hon. Members to consider the state of the law as it at present stood. If a woman chose to swear, that she was pregnant of an illegitimate child, the party whom she charged upon oath as the father was *ipso facto* liable to be committed to prison until he could find security for the maintenance and support of the child. Now, hon. Members must know the difficulty to which a labourer in husbandry so situated would be exposed, and that difficulty in finding securities not being surmounted, the effect of the law was the committal at once of the individual to prison for five or six months, there to be associated with the very worst characters. He would, therefore, take away such a power of imprisonment, and at the same time make the mother liable for the support of her child, in the manner and mode of a pauper widow. He felt most completely the difficulty and delicacy of the subject, but he was equally confident that it might be proved to demonstration the proposed change, so far from increasing demoralization, would be in every manner beneficial to the country at large. He believed he had now gone through all the various important topics which would be embraced by the Bill which he hoped to have the honour to introduce. He was fully aware of the importance of the measure—no man felt that more strongly than he did, but he believed—nay, he was confident—if it was successful, that the benefits to the country would be very great. He was, however, aware of the fact, that by the proposition he had now submitted, the Government exposed themselves to the opposition of those who pretended to be the friends of the labouring poor; he, however, would fearlessly assert that the measure he had proposed was designed principally for the benefit of that portion of the population of the country; and they would, he was satisfied, be the gainers by the measure if it were successful. He confidently anticipated that it would have the effect to restore the British labourer to that degree of independence for which he was once proverbial, and to raise him from the condition of a pauperized slave. So far from the labourer being apprehensive as to the effect of the abolition of the allowance system, he believed he would hail it as a great boon. The labourer ought to be remunerated for his industry according to his own merits, and not on a scale regulated by the number of his children; by this change, therefore, the advantage would be given to the most industrious and meritorious. At present no difference existed between the good and the bad, both were in the same situation as to remuneration, if such could be called the subsistence derived from the abuse of these laws. It had been said, that poverty ought not to be visited as a crime. In that sentiment he most entirely agreed; but it was impossible to prevent it as a misfortune. In every attempt which had been as yet made to remove that misfortune, instead of confining it to those who suffered under the chilling hand of poverty, the misfortune had been extended to almost every other class. It was with these views, and in the hope that the House would give it that calm and deliberate attention which the momentous importance of the measure demanded, he should conclude by moving " That leave be given to bring in a Bill to alter and amend the law relative to the relief of the poor in England and Wales."

Mr. *Richards* was understood to compliment the Government for having undertaken this arduous task, but, at the same time to complain that the noble Lord (the Chancellor of the Exchequer) had not taken that large and comprehensive view of the difficulties and nature of the Poor-laws which the present occasion demanded, nor pointed out the means by which those difficulties were to be removed. The noble Lord had seemed to impute to the mal-administration of the existing laws all the abuses which prevailed, but had not uttered a single syllable in opposition to the principle upon which those laws were founded. The causes of distress had not been touched upon by the noble Lord—a most important question to bring to the consideration of the subject of the Poor-laws. He would not trouble the House with the effects which had been produced by the change in the currency, but must remark that much of the distress and the evils arising therefrom were to be attributed to the alternations between poverty and distress, which had afflicted this country, and caused much of the pauperism complained of. He must also express his regret that in calling the attention of the Legislature to the state of the Poor-laws, in England, the noble Lord had not referred to the want of similar provisions for the relief of the poor of the sister kingdom, the population of which sought employment in the manufacturing towns, such as Manchester and Glasgow, where the great majority of labourers were from Ireland, and the market of labour was thus glutted and overstocked by the want of relief to the pauper population of Ireland. He had anticipated that the noble Lord would have afforded some hope on the present occasion that a measure of relief for the poor would be extended to the United Kingdom. He was disposed, however, to believe that the plan of the noble Lord would remedy some of the disorders, the inconveniences, and the evils consequent upon the present system of administering the Poor-laws, but he did not think that any measure could be effectual which did not comprehend some uniform plan of relief for the poor of the whole empire.

Sir *George Strickland* would bear his humble testimony to the effective and impressive manner in which this question had been brought before the House and the country by the noble Lord (the Chancellor of the Exchequer). From the measure the noble Lord intended to introduce, the country would have to date a new era of happiness and prosperity, and it would be deeply indebted to the present Government for bringing it forward. The report on which the noble Lord had based his intended Bill, was drawn up in the most able manner, and no praise was too great for the talent, zeal, and industry which had been exerted by the Commissioners who drew up that report. He differed widely from the hon. Member opposite in thinking that the noble Lord ought to have mixed up the question of Poor-laws in Ireland with the present plan. Let the amended system first be tried in England, and then, if the practical working of it were attended with beneficial results, a similar system might be with firmness and consistency, introduced into Ireland.

Colonel *Torrens* begged to congratulate the House on the measure which the noble Lord proposed to bring forward, and he thought that no passage in the speech of the noble Lord was more deserving of approbation than where he said that the alteration was principally intended, not for the benefit of the landlord and the capitalist, but for that of the labourer and the agriculturist. This was a sound view of the subject. It was one of the means of increasing the productive powers of the country. He looked upon this, and upon the commutation of tithes, as part and parcel of one great legislative measure now going forward for the improvement of the country. It was a most wholesome measure, and those who opposed it were the most bitter enemies of the people. He was aware that a clamour might be raised —that the passions of the people might be excited against this great, difficult, and delicate measure, but he thought it was proved to demonstration that this measure would not injure the poor man, but on the contrary tend greatly to his advantage. He begged pardon of the House for the imperfect manner in which he had touched upon the subject—he should hereafter be ready to enter upon it more fully, and meanwhile he would give the Motion of the noble Lord his humble but earnest support.

Mr. *Edward Lytton Bulwer* had paid a great deal of attention to the subject, and as it happened that in the course of the last year he had formed a plan nearly coincident with that proposed by the noble Lord, he should of course give the present Motion his earnest support. The administration of the Poor-laws in America furnished a good example of the efficiency of the plan. Those Poor-laws had been introduced into every state but one, and it was found that in those states where a strict workhouse discipline was kept up the practice worked uniformly well, and on the contrary, that in the states where these wholesome regulations had been departed from, the practice had uniformly worked badly. He would venture to recommend that one of the Commissioners should be a Member of that House that he might be enabled to communicate information to the people. On one point he must observe, that he thought that the proposed alteration of the laws respecting bastardy would not be altogether palatable to the people of England, though he thought it would produce the best results. Nothing could have so demoralising an effect as a system under which a woman with three children was a fortune to any working man who married her, and one with six was absolutely a great heiress. He had nothing further to do on that occasion than thank the noble Lord for the admirable manner in which he had brought forward his admirable proposition.

Sir *Samuel Whalley* said, that as a guardian of the poor in a parish which relieved eight or nine thousand paupers weekly, he felt himself entitled, without presumption, to speak with some authority upon this subject. He fully approved of the general principles which had been laid down by the noble Lord, except as to one point, that which related to the appointment of a Central Board, with powers to ride over those bodies who had administered the present Poor-laws well, and were therefore better qualified than any others could be for administering a system intended to remedy their defects. Where the laws had been improperly or viciously administered it would be well to apply a controlling power: but with such bodies as that to which he belonged he was sure that any alteration limiting or abridging their authority would be injurious. He denied the soundness of that principle which said, that the poor had a right to claim sufficient for their sustenance at the hands of the State. On the contrary, the true principle of Government was, that the ruling power was bound to protect every man in the full enjoyment of the fruits of his own labour, and it was a perverted principle which allowed another man who could not support himself to come upon his neighbour's means. The Legislature must, therefore, return to the sound principle of abolishing all regulations, whether in the shape of labour-rates or in any other form which would give relief out of doors; and then, with a proper management of the workhouses, he would undertake to say the labouring classes would soon be restored to their independence and to the station which they had a right to occupy. With regard to the proposed alteration of the Bastardy Laws, he thought that would operate as a direct premium upon vice and immorality. By the present law young men were deterred from incurring the liabilities which it imposed, but when they were taken away he thought there would be no sufficient check upon them, and the hardship of throwing upon the woman the maintenance of her offspring would lead to still worse crimes. He was convinced of the necessity of some measure, and was grateful to the noble Lord for the Bill; but to those parts he had alluded to as objectionable he should offer the strongest opposition in his power.

Mr. *Hume* said, that if there were any one thing more necessary than another to the complete success of the measure, it was the uniformity of the plan proposed. In every instance the overseers of a parish should have the power, when a sturdy pauper came before them and demanded relief, and said, he would do this and he would do that, to hold up an act of Parliament over him. Indeed the whole success of the measure depended on the system of discipline maintained in workhouses. With respect to bastards, he thought it clear enough that young men were not deterred from—what he meant was, let the woman know the responsibility and the penalty, and she would take care not to run the risk of either. In the metropolis, under the present system of administering the Poor-laws, some women drove a regular trade in illegitimacy. If a woman got one bastard, it was well; she got an allowance for the support of the child, and she went on to increase her family and her means; and by the time she had furnished the parish with half-a-dozen children, she made quite a little fortune for herself. His hon. friend (Sir Samuel Whalley) did not seem to know the state of the law in Scotland on that head. There the responsibility rested with the woman, and although this state of the law did not entirely prevent the birth of illegitimate children, yet it led to this—that a woman very rarely, if ever, had a second illegitimate child. His own opinion was greatly in favour of this point, and he hoped his hon. friend would reconsider his opinion on that part of the subject.

Mr. *Hardy* said, one of the necessary consequences of the plan of the noble Lord would be, the appointment of a Registry of Births. He approved generally of the measure, but it would be necessary to make some alteration in it, so as to make provision for the settlement of paupers.

Colonel *Wood* approved of the plan of the noble Lord, and anticipated the happiest effects from its adoption throughout the country. It was extremely desirable to set at liberty as much as possible of the labour of the lower orders of society, in order that it might be brought into the most suitable market under every possible advantage. He believed, that would be the consequence of the measure of the noble Lord. He begged to thank the noble Lord and the Ministry for the measure. The question of Poor-laws was no party question. The lower orders in different parts of the country could not fail to perceive, that this was a measure in which they were specially interested, and that it must prove highly beneficial to them. The existing system of Poor-laws did much to pauperize the working classes. It was a very injurious provision in the present system, that the labourer might be partly supported by the wages he received from his master, and by the allowance granted him by the parochial authorities. That was one which must be done away with. It was of the utmost importance to the beneficial working of any system of Poor-laws, that every labourer be paid either solely by his master, or by the Officers of the poor. The noble Lord would be aware, that he had recommended this as a necessary provision in the Poor-law system some years since. There was another provision in the plan of the noble Lord of which he also very much approved. That feature was the one which related to bastardy. The present law on that head was very injurious to the mothers of illegitimate children, as well as expensive to the community. The necessary tendency of it was, to blunt the feelings, and deprive of all sense of shame, the unfortunate women to which it applied. It dragged them and their misfortunes before the public gaze, and made them reckless in future. The female sex stood much more in need of protection in this respect than our own; and the effect of the alteration in the Law of Bastardy would be to afford them this protection. He thanked the noble Lord for bringing forward the measure, and he sincerely hoped it would be productive of all the good effects which were anticipated from it. There was one suggestion which he would throw out, before he sat down, and that was, that he thought it would be much better to have the plan divided into two Bills, as there might be some hon. Members who might highly approve of certain principles and details in it, who might yet disapprove of others. By that means their objections to it as a whole might be done away with. This, however, could be done afterwards. The measure could be brought into the House in the first instance in the shape of a general Bill, and then be divided into two Bills.

Mr. *Ward* did not rise for the purpose of going into a general discussion of the question. He simply rose to express his concurrence with the hon. member for Middlesex as to the necessity of establishing one uniform system of Poor-laws thoughout the country. He was satisfied, too, that without a Central Board such a uniformity could not be established; and he therefore looked upon that Board as a necessary part of the plan. From what he had seen in his own parish, he trusted that the plan of the noble Lord would be attended with the happiest effects.

Sir *Thomas Fremantle* thanked the noble Lord for the system of Poor-laws which he had that evening brought forward. He highly approved of the plan; but he was afraid, that hon. Members generally were not aware of the difficulty that would be experienced in carrying that plan into effect. The part of the measure which he most approved of was that which related to the establishment of a Central Board of Commissioners, to administer the law in the respective parishes throughout the country. The Magistrates had at present a most unpleasant and difficult task to perform; and he, as one, would most willingly throw from his own shoulders, to those of the Commissioners, the responsibility which rested on the Magistrates in the administration of the Poor-laws. Little would he envy them the office of administering those laws. The applications for parochial relief had of late become so numerous—the expenditure so heavy—and the abuses so great—that most Magistrates would be glad to be relieved from the responsibility which rested on them in reference to the Poor-laws. It had been said by an eminent Statesman, that we had outgrown our institutions. This was particularly true as regarded the workhouse system. He was glad therefore to find, that the workhouse system was to be extended, and that the allowance system was to be discontinued. It had been very properly stated by the noble Lord, that though there might be a seeming harshness in carrying this regulation into effect, yet there was reason to believe that some means would be found to give assistance to those paupers who were really deserving of charity. He hoped that any landed gentlemen or farmers who might constitute part of the Board of Commissioners, would say to those able-bodied paupers who applied for relief, "We can't give you parochial aid, but we will try to find you employment. He was glad that the Board of Commissioners were to superintend the management of the workhouse. He had himself seen many instances of gross mismanagement under the present system of Poor-laws in workhouses. He had no doubt, whatever, that that Board would administer the proposed system to great advantage. With respect to the regulation relative to bastardy, all he would say was, that in enforcing that regulation great caution would be necessary. Before he sat down, he begged to call the attention of the noble Lord to one thing of great importance, which he had omitted, and that was the necessity of appointing an Auditor of the parish accounts. If an Auditor were not appointed, great abuses would inevitably occur. The public money would be squandered away in a very improper manner, and matters would get into disorder. They would most probably find, when too late, that their money had been mis-spent. They might then shut the door when the steed had been stolen. He again begged to express his approval of the measure generally.

Mr. *Slaney* also approved of the proposed system, and expressed the great pleasure he felt at the unanimity of the House composed of Gentlemen who differed on almost every topic that came under their notice. He trusted it would restore the English labourer to his old station of independence, when the best workmen would be the best paid, and the best behaved man would be the best off. This it was well known was not the case at present. He was entirely in favour of the Central Board and of the new system for the management of workhouses, in which he especially praised the arrangement by which the several classes would be separated, the old and helpless being placed apart in a state of comparative comfort, the able-bodied compelled to work, and the children provided with the means of education. He was only sorry, that the noble Lord had not adopted a recommendation of the Commissioners to the effect, that the owners, instead of the occupiers, of small tenements should be rated.

Mr. *Tower* was anxious that means should be devised for employing the labouring poor in the cultivation of the waste lands of Great Britain and Ireland. Every Englishman ought to be considered as having a right to cultivate his native soil, and live by his own industry.

Mr. *Cripps* wished to say, that he was in favour of the principle of having the owner instead of the occupier of small tenements rated.

Mr. *Estcourt* suggested, that it would be well to have the law relating to settlement carefully considered and totally remodelled. He was sure that the country would be deeply indebted to the noble Lord for abolishing settlements by hiring and service. The noble Lord seemed disposed, however, to confine the right of settlement to the place of the man's birth. He apprehended that it would be well to have two circumstances either of which should constitute a right of settlement—birth or actual possession—not occupancy of land or tenements in a parish.

Mr. *Poulett Scrope* expressed his hearty concurrence in the measure proposed by the noble Lord.

Lord *Althorp* said, he felt it his duty not to suffer the question to go to a vote without expressing his thanks and gratitude to the several hon. Gentlemen who had addressed the House. As to the observation of the hon. member for Marylebone, who hoped, that the Commissioners would not interfere with parishes that were well regulated, he had to say, that he hoped they would not. The only mode in which he trusted they would deal with such parishes would be by following their example. When a parish was really well regulated, it need not entertain the slightest apprehension of interference upon the part of the Commissioners. He further had to state, that additional Commissioners would be necessary to communicate between the country and the Central Board. He did not propose that any Magistrate should have the power of ordering relief beyond the bounds of his own parish; and where vestries were too small, and parishes inconsiderable, it was intended to unite them with other parishes.

Mr. *Baring* asked the noble Lord his intentions respecting the Labour-rate Bill?

Lord *Althorp* was understood to state in reply, that although on a former occasion he had expressed his assent to the principle on which the Bill was founded, yet that now, having a project for an effective Reform of the Poor-laws in progress, he did not think it desirable to touch the measure respecting which the hon. Gentleman had made inquiry. [An *Hon. Member* asked whether it was intended that all parishes should have a workhouse?] It was intended that the Central Board should have a large discretion on this point. He could not now say positively whether it would be proposed that every parish should be compelled to have a workhouse, but he certainly thought it most desirable that such should be the case. He was sanguine enough to hope, that there would be very little difficulty in inducing parishes which had no workhouses to supply the deficiency by building or hiring them, which would be the least expensive arrangement.

Sir *Charles Burrell* said, however good the Bill was, and he had no doubt that it was brought forward with fair intentions, and would relieve many of the evils now complained of, yet he thought the Bill would be much improved if there were introduced a clause in it empowering parishes, if not rendering it incumbent on them, to give employment to the adult and well-conducted labourers. Such a clause he thought necessary to be introduced; for if the willing labourer could not get employment what was to be the result? He would not starve, and if he got no work then he would adopt a course that would not be, perhaps, very consistent with either law or public safety. The extra parochial labourer should undoubtedly have some asylum afforded to him in employment, if not in relief. It was necessary to give the labourers employment if it was designed to keep them amenable to the laws and to preserve social order. If any principle of coercion were introduced into the Bill he would oppose it.

Leave was given to bring in the Bill.

GAME LAWS.] Mr. *Lennard* rose to move for leave to bring in a Bill to alter and amend the Game-laws. He was gratified that it would not be necessary for him to detain the House, as the present Bill was similar to the one he had introduced last year on the amendment of the Game-laws. He thought the subject was an important one, as it concerned various classes of society, rich and poor. He had understood, that many persons were anxious to support the measure, who did not imagine it would have been brought on so soon. The present Game-law was one of gross injustice, inasmuch as it deprived the holder of the land from any dominion over the game. Under the old law, the occupier had the power of giving the game to any one he pleased. But he was deprived by a clause in the Act lately passed of that fair power. The landlord alone being made the legal owner, if a man held a large tract on a lease of three lives, he could not, under the present Act, notwithstanding the valuable interest he held in the land, give any power over the game, but the landlord could, in despite of the tenant, come to the ground and dispose of the game. That illiberal clause was introduced in the House of Lords, for the purpose of impeding and neutralizing the Act; and it was adopted by the House of

Commons through necessity, in order to secure the whole Bill. It might be said, that a tenant might reserve to himself (and was empowered to do so) a stipulation in his lease to shoot over the land, and that in that case he could not be prevented. But the fact was, that the tenants had not at present any such power; at least he had not, after numerous inquiries on the subject, been able to hear of any such instance of that power given to the occupiers. Every one knew how unwilling tenants were to stipulate for anything more than would yield them immediate profit from the produce of the soil, especially if the prejudices or feelings of the landlords were interested. There was a common reservation in leases for landlords to have the privilege of sporting over the tenants' grounds; but that was very different from usurping the whole power. By the last Act the landlord had received a right to come on the land, which he had not before. The hon. Member concluded by moving for leave to bring in a Bill to repeal sec. 7 and 8 of 1st and 2nd William 4th, cap. 32 (Amendment of Game-laws), and sec. 30 of the same Act.

Mr. *Hume* seconded the Motion. He considered the clauses which it was proposed to repeal committed a gross injustice. The Lords should have been ashamed of themselves to introduce such clauses.

Colonel *Wood* said, that however anxious for an improved system of Game-laws, he should state that the hon. Member had not clearly explained, or minutely detailed, the objects of his Bill. It was a very rare case in which a person, properly qualified, was prevented from killing game. It was no new thing for landlords to reserve to themselves the power over game. They always did so; and by the late Act the tenants were not prevented from killing game. Why should the House be called upon to change the law; because, forsooth, there might have been one or two cases of hardship? Game was never the property of the occupier, but was, according to the ancient laws and usages of the country, acknowledged to be the property of the landlord. He did not like the old Game-code. He was glad it was repealed. But then there should be some moderation, some policy and justice, too, in the process of abrogation. The hon. Mover would place game at the disposal of the occupier. He was sure, that never had been the law, and the hon. Member would have as good a right to place trees at his disposal. Game was as much the property of the landlord as trees were. Neither was ever intended to be made a source of direct profit to the tenant. He would object to the Bill.

Lord *Althorp* was understood to say, that the Legislature had not intended, in passing the existing law, to confer any new rights on the landlords; and, therefore, in as far as the Bill would only go to restore to tenants the rights they had before possessed, he should not object to its introduction.

Mr. *Aglionby* hoped the House would bear in mind, that the question did not at all involve the Game-laws in general, but was simply whether or not the 7th section of the existing Act should be suffered to continue in force, when it operated as an *ex-post-facto* law, and deprived a large body of men of a right which they had long enjoyed. He cordially supported the Motion.

Leave was given to bring in the Bill.

ADMISSION TO THE UNIVERSITIES.] Colonel *Williams* rose to make the Motion of which he had given notice, relative to the admission of Dissenters to take degrees in the Universities. He said, that with the permission of the House, he would commence by reading his Motion, which was to the following effect:—"That an humble Address be presented to the King, requesting his Majesty to signify his pleasure to the Universities of Oxford and Cambridge respectively, that those bodies no longer act under the Edicts or Letters of James 1st, 1616, 'by which he would have all that took any Degree in schools to subscribe to the three articles of the 36th Canon;' with the exception of those proceeding to Degrees in Divinity; nor to require the declaration, namely, 'that I am *bona fide* a member of the Church of England;' nor any other subscription or declaration of like effect and import." The hon. and gallant Gentleman proceeded to say, he considered that this question had been something complicated by the previous debates which had taken place on the subject. He would endeavour to simplify it. To him it appeared to be merely whether our ancestors who passed these laws a century and a-half ago, were wiser than ourselves. The right hon. Baronet, the member for Tamworth, and the right hon. Gentleman, the Secretary of the Treasury (Mr. Spring Rice) had, in the previous debates on this subject, afforded some interesting illustrations of his present view. James 1st, the author of the *Edicts* and the *Letters* which were the subject of his proposed Address to the Crown, was the author also of a work on *Demonology*. As another proof of the fallibility of our ancestors, he might state, that a great philosopher, who lived in the reign of Elizabeth, and who was accounted the "wisest of mankind," (Bacon), that eminent individual believed in witches, and that they ate men's flesh. If such errors as these belonged to that age, surely they ought not to be deterred from examining into Acts taking their origin from that period. Amongst the other errors of the time, he would number the Acts, the mischievous power of which he now proposed to get rid of—he meant those imposing as tests the thirty-nine articles, and other matters. Those subscriptions might be easily known to have been originally intended for Churchmen; for a length of time, very wisely, they were not demanded of every man taking a degree. The second article of the 36th Canon clearly proved, that it was not intended this test should ever be imposed on any but those seeking ordination. He would read that article to the House:—"That the Book of Common Prayer, and of ordering of Bishops, Priests, and Deacons, containeth in it nothing in it contrary to the Word of God, and that it may lawfully so be used, and that he himself will use the form in the said Book prescribed in the public-prayer, and administration of the Sacraments, and none other." As to the original intention with respect to this test, there could not be a doubt; but this, as well as the other articles, were now imposed on all persons seeking degrees, whether to become Churchmen or not. Such a proceeding he held to be decidedly objectionable, and he hoped the House would consider it an error requiring to be rectified. It had been asserted that it would be dangerous to remove those tests, because the consequence would be, the admission of Dissenters to the Universities; and the right hon. Baronet, the member for Tamworth, had professed himself alarmed lest Scholarships and other University honours should be given to improper persons. He thought, however, the consequence would be, that still more proper persons would be admitted than at present. After the alteration had been made which he advocated, the tests would be imposed on people who had some consciences. Consciences were now, in many instances, violated in submitting to these tests. Indeed, the grievances arising from these restrictions were very generally felt, and even complained of by many clergymen of the Established Church. It had been put forward in a document issued by the Associated Clergy in 1772, that the Thirty-nine Articles were not in every respect consonant with and agreeable to the Word of God; and if this opinion was uttered by Churchmen, was it to be wondered at that Dissenters should be unwilling to subscribe them? These tests could not be defended upon any principle which stood in the way of their repeal. If James 1st acted on his own authority in imposing them, what was there to prevent the present Sovereign from exerting a similar power in their repeal? It had been objected that the proceeding in the present Motion should have been in the form of a Bill, and not of an Address. Such an objection was merely technical, and for his part, if the proposition was fairly entertained, he had no particular attachment to either form of proceeding. The hon. Member concluded by moving the Resolution which he had stated in the outset of his observations.

Mr. *George Wood* rose, to propose as an amendment, that leave be given to bring in a Bill to grant to his Majesty's subjects generally the right of admission to the English Universities, and of equal eligibility to degrees therein, notwithstanding their diversities of religious opinion; degrees in divinity alone excepted. He had not been aware of his hon. friend's intention to proceed, or he would at once have given way; but he felt that it would be better to proceed by a Bill, and under this feeling alone, he submitted his Motion to the House. He founded his Motion on the simple proposition that our Universities were national establishments; and, as such, that his Majesty's subjects of all denominations, were entitled to resort to them for their education. This seemed, he would say, so simple—so unanswerable a proposition, that he thought he should only weaken it by any attempt to give strength to it beyond this general statement. But, it might be asked, if the fact were really so obvious, how came it that such a different practice prevailed, and that that practice had so long existed? That question admitted of a ready answer, seeing that, at the period when these laws were first framed, the non-conformity to the Established Church was by law a crime. When every man was required to conform to the religion established by law, it was only a natural course that every man should be required to conform to the law of the land. It was not possible to admit men to the Universities, who, by the existing law, were regarded as criminals. He thought, however, that toleration should have been introduced into the Universities as it had been into the legislation of the country. It was the general feeling that no difference should exist in civil privileges or power, on account of religious opinions. If this, then, were acknowledged, his appeal to the House must, he thought, be unanswerable. The present system of the Universities was one which was defective, inasmuch as it involved a practical injury to those who were intended for the profession of law or of physic. In Scotland and Ireland no such inconsistencies existed as those which prevailed in this part of the empire. What he asked was, that the Dissenters should receive a reward for their successful studies at the Universities; and after having gone through their different courses of instruction, be intitled to acquire the honours of those Universities. This subject had excited much of the public attention, in consequence of the petition recently presented to the House from distinguished persons of the University of Cambridge, praying for the admission of Dissenters to degrees in the arts, medicine, and law. He was delighted at the progress which liberal opinion had made, and he would express his gratitude to those individuals for the manner in which they had acted. He would not attempt to reply to the remarks of the distinguished Members connected with the Universities upon the occasion of the presentation of the Cambridge petition, because if the House indulged him so far as to allow him to bring in the Bill, he should have future opportunities of commenting on the subject. He would continue to bestow upon those remarks the attention which they deserved; but his present impression was, that they did not bear upon his view of the case, as the matter affected the right of the people generally. He was not aware that in proposing the Amendment he had suggested, he was supporting any sectarian views, or doing anything hostile to the interests and welfare of the Established Church. On the contrary, he was persuaded, that if his Motion succeeded, it would add to the stability of the Church. He did not propose to change the regulations in respect to persons taking degrees in divinity, nor did he think that a matter of practical importance; he did not ask to change the system of education at the Universities, he left that as at present to the colleges themselves; he would also leave all the religious exercises to be continued as at present; all that he asked was, that the Dissenters should have access to degrees, after they had gone through the course of studies required by the system of the Universities. An objection had been taken to the admission of Dissenters, upon the presentation of the Cambridge petition, on the ground that the English Universities were differently constituted from others. It had been argued, that the pupils were required to be domiciliated in the University to which they belonged generally, but it seemed to him that this argument made the other way. Where residence was required, they must have religious instruction; but that could not be enforced where residence was not required. Whatever obstacle that might appear to throw in the way in theory, he was satisfied that it would not be felt in practice. If the House acceded to what he required, he was satisfied they would not do anything injurious to the existing establishments.

The original Question and the Amendment having been put,

Mr. *Estcourt* said, that the question then submitted for the consideration of the House, was one of such importance, and of so much interest to his constituents, that he hoped the House would consider that fact a sufficient apology for his taking up the time of the House. He must, in the first instance, complain of the assertion of the hon. member for Lancashire, who had stated, that if the degrees in arts were conferred on Dissenters, they would be bestowed on persons of more conscientious feelings than those who now enjoyed them. He begged to state, in reply, that there were no men more honourably entitled to those distinctions than the Gentlemen who now enjoyed them. He objected to the propositions of the mover of the original Motion, and of the

Amendment, because the effect would be, to introduce Dissenters into the Universities. Therein consisted his objection. The University to which he belonged was a place of religious education; and if it were intended that Dissenters should be introduced into the Universities, he knew not how it would be possible for the religious education of the Church Establishment to be carried on within the walls of the Universities. Were Gentlemen who were disposed to grant the right sought for by the Motion before the House, prepared to say that Professors of Theology should be engaged of every different persuasion?—or were they prepared to say that Dissenters of all denominations were to violate their consciences by attending the Theological Lectures? He apprehended that neither of these things was contemplated. Then what would be the practical effect if this Motion were carried? Why, that no religious education at all would be given. This must be the effect of the system, and against that he would hold up his hand, and he hoped that all those who were attached to the Established Church would not consent to such a change in the institutions of our Universities. The effect of the present Motion, if carried, must be to deprive the Universities of those advantages which they held for the benefit of the Established Church, and, consequently, to injure the Church. Hon. Members, in discussing the present question, might take up whatever grounds they thought proper, and might assume that the pretexts put forward formed the actual reasons on which those claims rested; but he could not conceal from himself that the whole character of the proceedings out of doors upon that subject, was pregnant with evidence that the objects of the Dissenters were not limited to mere admission to the Universities, were not confined to a removal of the grievances which affected them as Dissenters, but aimed at a separation between Church and State, and that with nothing less than a dissolution of that union, would they ever be satisfied. He had at that moment in his possession, a passage spoken by one of the most able and influential men connected with the Dissenting body at Hull, which he would, with the permission of the House, read, it said,—"There are those who have contented themselves in their petitions to Parliament, with only asking for the redress of their grievances, and saying nothing of the dissolution of the union between Church and State. There are men, who, we think, have gone a little too rashly forward and demanded the immediate dissolution of Church and State. What we desire is somewhat between these two extreme points. I think we are prepared to go rather further than we did in our memorial. In this view of the case, our petition goes somewhat further than our memorial did. It does not, indeed, pray, as some others have done, for the immediate dissolution of Church and State, but looks forward to the accomplishment of that great and glorious object." That view of the wishes and expectations of the Dissenters might, he would contend, be received as coming from one who spoke the sentiments entertained by the great majority of those classes who refused to assent to the doctrines of the Church of England; and with such evidence before them, he professed himself incapable of comprehending how the Members of that House could shut their eyes to the fact, that the aim of all the petitions hitherto presented to Parliament was to bring about such changes as were likely, if not certain, to end in a dissolution of that Union to which Dissenters were necessarily adverse. Most assuredly he had as yet heard nothing to remove from his mind the conviction that the Universities, once opened to persons not belonging to the Church of England, would soon cease to be places of religious education,—a change which he should regard as abolishing the uses of the Universities, and defeating the purposes for which they were instituted. Complaints had been made frequently on the part of the Dissenters of the necessity under which they were placed, while residing at the University, of attending Divine Worship according to the forms of the Church of England. A pamphlet which he held in his hand, contained some observations to which he could not avoid calling the attention of hon. Members, as expressing his own feelings more eloquently than he could express them. One passage was as follows:—'As a part, then, and portion, 'and by far the largest portion of good-'ness, and as the means of producing 'goodness, we cannot consent to part 'with our religion. For this reason, twice 'a day we assemble for public prayer, not 'as a mere form or rule of discipline, but 'because those who framed our statutes, 'and many, if not all, who conform to 'them, believe, that the duties of the day 'are nothing, but as consecrated by God; 'because, though a careless discharge of 'such an act deadens and hardens the 'heart, a right and faithful attempt to 'fulfil it is one of the best means of per'fection.' Concurring, as he did, with the writer of that pamphlet, he could not bring himself to consent to any measure in that House the effect of which would be to break down the Establishment. He could not consent to that by any means, or upon any terms; and, least of all, through the instrumentality of the Universities. Why should they, for the sake of the principle contended for on behalf of the Dissenters, forego for the future all those advantages which the Church had, up to the present moment, conferred upon the people of England? The Dissenters had places of education for themselves; and viewing the subject as he did, it was impossible for him not to feel, that it would be madness to consent to the proposition then before the House. But, said the Mover of the Amendment, the candidates for admission to the learned and liberal professions of law and physic say, that the regulations of the University ought not to exclude any man from the pursuit of those professions on account of his religious principles: to that the answer was very short and simple. Let the persons possessing the right to admit to those professions modify their own regulations, and not call upon the Universities to abolish theirs. He was aware it had been said, that in Ireland and Scotland the Universities admitted Dissenting students; and it was asked, why might not the English Universities do the same? But the analogy did by no means hold, for it formed no part of the system of the Universities in those parts of the United Kingdom to require, even of their students belonging to the Established Church, attendance at chapel, or even residence; they were, therefore, not to be considered in the light of places of religious education. He did not impute any design, at the present moment, to the Dissenters of overthrowing the Church Establishment, though he believed that that would be the ultimate effect of acceding to their wishes. He repeated, that he did not impute to them now any such design, for he admitted, that many of them were deeply impressed with the necessity of maintaining the Established Church as the best preservative of that liberty which they so highly prized; and that was a sentiment cherished, not by one or two sects, but by the greater number of persons belonging to the various denominations into which non-conformity had divided itself. For these several reasons, then, he entertained an earnest hope, that the Motion might not be pressed upon the acceptance of the House; and that, if it were, it might be rejected.

Dr. *Lushington* said, it seemed to him, that the hon. Member did not appear clearly to understand the nature of the question before the House. The hon. Member first expressed his fear that, if the Dissenters were once permitted to enter the University of Oxford, the utter ruin of the Established Church would be the inevitable consequence; and yet, in the same breath, he stated, that he was acquainted with a great body of Protestant Dissenters who were most anxious to preserve the Protestant Church, and were ready to protect it as the best means of securing religious freedom. He would just ask the House, how it was possible to reconcile those contradictions? He would ask, too, why it was, that they were to refuse equal admission to the Dissenters, when even the great advocate of the monopoly of education had stated his conviction, that a great body of these Dissenters were anxious to support the Established Church. It was an incontrovertible fact, that these Universities were great public establishments, protected by Charters and specific Acts of Parliament; that these establishments held their Charters and their possessions, which having formerly belonged to Roman Catholics, had been conferred on, or secured to, the Universities by the Legislature. But it should be recollected that the object proposed was the enlargement of the field of literature; and the question for consideration was, whether facilitating this object by the admission to equal advantages, with other candidates for college honours at Oxford, would have the effect of overthrowing the Established Church? He hoped the Established Church was placed upon too broad and solid a basis to be shaken by any measure such as that before the House, to which he was anxious to give his most hearty and cordial support. In doing this he felt, that, instead of endangering the Establishment, he was rendering it more secure; for it was by receiving all who would come near her, into her bosom, by removing all cause of jealousy and discontent, that that Established Church could plant herself in the affections of the people, and grow by peace and concord into deep-rooted security. The unison of feeling, the removal of jealousy and discontent, would be an increase of security for the Church. It had been said, and said rightly, that a boy going to Oxford was called upon, at the age of sixteen, at a period when he was perhaps totally ignorant of the nature, nay, even of the very name, of the Thirty-nine Articles,—a boy of sixteen was called upon, as his first act, to sign his belief in those Articles! He deprecated that practice, which was as offensive to the ministers of the Church of England, as it was insulting to the Dissenters,—operating as an exclusion for them; he considered it a solemn mockery, an unjust imposition upon the human conscience, which ought not to be permitted in any instance, much less in the case of youths of sixteen or seventeen, who must be incompetent to form a decided opinion upon such matters. Nor need it be wondered at that such an opinion was generally formed and expressed, when it was recollected, that some of the most learned, the most wise, and the most religious men of this kingdom had expressed their doubts with respect to the meaning of those Thirty-nine Articles. But, to come back to the other part of the question. Was it to be wondered at that the wealthy and respectable Dissenter should be anxious that his son should be educated and participate in the same advantages with those young persons with whom it was probable he was to associate in after-life. He was entitled to look for a participation in such education as a right. Why was it, that he was debarred from the enjoyment of it? Let it be remembered, that it was to the Dissenters that we were indebted for the reign of the present family upon the Throne; and yet their descendants were to be shut out from an equal enjoyment of rights with their fellows. At Oxford no Dissenter could be at all admitted; the Thirty-nine Articles met him on the threshold, and conscience stopt him short, and all access was denied him. At Cambridge it was somewhat different. He was admitted to study. There he might toil and labour, but no matter what his labour,—no matter what his natural advantages and chances of success,—no matter how pure his moral character,—when he was ready to obtain the honours he had toiled for, and presented himself to receive them, his answer was,—"No; although you bear the poison of dissent about you, yet thus far we have borne with and fostered you, but you must go no further,—all honours are denied you." Was not this, he would ask, adding insult to injustice and injury? Was it not degrading to be thus turned from the door of that place where he had laboured hard, where he had formed friendships, and aspired to honours, and sent into the world with all the sourness of disappointment, and disgrace of having these marks fastened upon him? And why all this oppression and degradation? Just because he had the honour and conscience to say, that he could not, in justice to his feelings, subscribe to the Thirty-nine Articles. It was said, that the Professors of Divinity could not continue their lectures if Dissenters were to be admitted into our Universities. He should like to know why not? Why might they not, in such an event, double their labours in order to preserve those committed to their care? How could the Dissenters interfere with this duty? But it was said, that difficulties would arise upon the admission of Dissenters into Oxford. It was asked, what was to be done with them when first admitted? His first answer to this question was, "That which had been hitherto done with them so far at Cambridge." It was not necessary that the doctrines of the Church of England should be inculcated upon them if they did not wish it; but that was no reason why they should not be inculcated upon others. He knew not what were the present practices at Oxford; doubtless they were much changed since he was there; but his latest recollections told him, that the College attendance at chapel was a mere matter of form, or rather choice, except on Sundays. Why, then, might not the members of the Church of England be obliged to attend chapel, and the Dissenters a place of worship more consonant to their own feelings, on those days? When he recollected the great wealth of the University of Oxford, when he recollected that the great donors of these riches were Roman Catholics, and that now their enjoyment and distribution had passed into the hands of members of another religion,

—that of the Established Church,—he was at a loss to conceive that any refusal of eligibility to equal honours should be refused to the Dissenters on the ground of difference of religion. They had been told, that application might as well be made to the heads of the departments of law and physic to alter the regulations upon which they admitted students, as to the Universities, for the proposed alteration. But, why should they do this, when the Universities themselves were the original cause of the evil complained of, and, therefore, the most proper persons to grant the remedy? The two professions, in fact, committed no injustice; they only took the degree of the University as a test of proficiency; and the fault lay in the University; which, whatever proficiency a Dissenter might have acquired, refused, on account of a religious opinion, to grant him the degree. It was, therefore, for the Universities to make the required alteration. The best security for the Protestant Church, he would observe, in conclusion, was, to lessen the distance between that establishment and the Dissenters; to conciliate all his Majesty's subjects, and to use her utmost endeavours, in peace and good-will, to improve the general well-being and the whole frame of society.

Mr. *Goulburn* wished to enter his protest both against the Motion and the Amendment before the House, as well as against the opinions which had been expressed by the hon. and learned Member. The House stood at present in a very peculiar situation, having before it two Motions, each affecting deeply the interest of the Universities, and differing entirely from one another if not in substance, yet in form. They had, moreover, a speech from the hon. and learned Gentleman, who professed to support one or both Motions, in which he took a view, differing very widely, in many respects, from the views of the proposer of the Motion. Few Gentlemen who had the good fortune to hear the speech of the hon. Member who introduced the Motion, would, he thought, after that, be inclined to support it; or, if he supported it, would, at least, not support it on the grounds which the hon. Gentleman advanced. That hon. Gentleman thought it right to correct the errors of James 1st and Elizabeth, and one of his means of doing so was the abolition of a declaration, required at Cambridge from persons taking degrees, that they were *bonâ fide* members of the Church of England, which was not imposed till 1772. He had a strong feeling against both the Motions of the hon. members for Lancashire and Ashton, but he had not the slighest hesitation in giving his vote against that of the hon. Member for Ashton. He would now come to the Motion of the hon. Member for Lancashire, who relied very much on a petition presented from certain individuals of the University of Cambridge. With regard to that petition, he should reserve himself, and he requested the House to reserve its opinion, till he should have the opportunity of presenting an opposite petition, containing an authentic record of the opinions of a large body of the resident members of that University, nowise inferior to the other petitioners in rank, talent, or in liberality of sentiment. The hon. member for Lancashire grounded great part of his argument on the fact, that the Universities were national establishments, and he concluded that they should be thrown open to all persons who chose to enter them. But, he would ask the hon. Member, was not the Church also a national establishment? And ought not the hon. Member, in consistency, to propose that, as the Church was a national establishment, that also should be thrown open to all; and that not only degrees in Divinity should be conferred upon the Dissenters, but that they should share in all the emoluments and advantages which, under the present constitution of the Church, was confined to the Establishment? If the Dissenters were entitled to share in the honours of the Universities, there was no reason why they should not share in their emoluments. The hon. Member appeared to him to be a little inconsistent in his statements. He proposed that all religious observances should remain as they were. But how would the Dissenters like this? How would they like the compulsion of attending the observances, and submitting to the discipline of a religion from which they differed? The hon. Member seemed to intimate dissent, but he (Mr. Goulburn) had taken his exact words, viz.—"That there should be no change in the course of study, and that all the religious exercises at present observed should be continued." One of the objects of the Bill, therefore, comprised the attendance of the students at the Theological Lectures.

Mr. *George Wood* denied, that he had said anything about Theological Lectures, and protested against the language he had used being made to bear the strained construction put upon it by the right hon. Member.

Mr. *Goulburn:* The hon. Member said, that the Dissenters should adopt the system of education now pursued in the University. He would notice an argument used by the hon. and learned Member, who contended, that because the rights and privileges of the Universities had been secured by Acts of Parliament, that because the Legislature had confirmed their title to the privileges and property which they possessed, it had, on that account, a right to deal with them as they thought proper. It, surely, was a very curious argument, that because Parliament had confirmed a pre-existent right, it should, therefore, destroy it. That argument was particularly curious coming from a learned Gentleman. By admission to the honours of the University, the Dissenters would obtain a share in the governing power. By Act of Parliament is given to the governing power of the Protestant Universities the right of presenting to advowsons possessed by one class of Dissenters, viz. Roman Catholics; and yet, by the Act now proposed, the precaution thus established would be entirely overthrown, and to Dissenters would be given the power of appointing to the livings and benefices of the Church Establishment. If the object of the Universities was merely the advancement of literature, he might not have been so very scrupulous, but he felt that the system of education pursued at these Universities was the only system which it became a Legislature to encourage —viz. knowledge combined with religion. Thus, and thus only, was instruction sanctified, and thus only could they hope to correct the evils which too frequently spring from knowledge unaccompanied by religion. [*A laugh.*] Some Gentleman had thought proper to laugh at the attendance at chapel; but he denied that the attendance was nominal. It was anything but what it had been often compared to, a mere roll call. The conduct of the youths who attended on those occasions, was such as every man must approve, and he doubted not that to most of them, the deprivation of that sacred privilege would be a source of great dissatisfaction and grief. The hon. and learned Member asserted that the University of Cambridge treated Dissenters with peculiar severity; that it opened to them all the avenues to learning; that it gave them every facility for obtaining instruction in all the various departments of human knowledge; but that when they had arrived to that point at which they might reasonably expect the honours due to high literary attainment, those honours were unjustly refused them. But let him call the attention of the hon. and learned Gentleman to the consideration of what would be the fate of the Dissenters, if unfortunately the Bill proposed by the hon. member for Lancashire should pass into a law. If a clever, able young man, introduced into the bosom of the University, but entertaining religious opinions different from those of the Church of England, were called upon —as the Bill proposed by the hon. member for Lancashire would call upon him— to join in the public worship prescribed by the Church, in what situation of punishment would he be placed? If, as had been stated by the hon. and learned Gentleman, such an individual conscientiously resolved to worship God in his own way; if, as had been stated by the hon. and learned Gentleman, he was an honest man, to the denial of University honours would be added the punishment of a privation of University instruction. It was true, that the education at the University was not confined to lectures, and that no student who was not intended for Holy Orders was compelled to attend the theological professors. But still religious opinions did form a part of the University examination. Since he had last addressed the House he had obtained a copy of one of the examination papers, and he found, in the examination on the Gospels, this question—"Can you rescue the following passages from the Calvinist, the Presbyterian, and the Papist's interpretation of them?" Now, did the hon. member for Lancashire think, that to put such a question to the young Dissenter would contribute to the concord of the University? He was sure, that if the experiment were tried, it would fail in discord. They might go on with the Bill, and they might compel all the students of the University to attend religious instruction, but he did not believe that such a course would be attended with any beneficial effect. He did not believe, that they could admit Dissenters into the University as such, unless they previously abolished all religious observances. This was not his own opinion simply, it was not the opinion of any bigotted member of the Church of England, but it was the opinion of a set of men, the founders of a University intended for the education of all classes of his Majesty's subjects, without regard to their religious principles. He held in his hand a copy of the "London University Calendar," a book which was sanctioned by the name of a noble and learned Lord in another place, and by the name of the noble Lord opposite (Lord John Russell), and by several members of his Majesty's Government, and he would read from the introduction of that work a passage, in order to show what the opinion of the founders of the London University was as to the practicability of such a plan as that now proposed. That passage was as follows:—'The capital is the most 'convenient situation for all those young 'men who are sent to the country for education, on account of the greater probability of their finding connexions interested in their welfare, and greater 'facility for adopting a style of living 'suited to their circumstances. But it was 'also felt, that in a country where the 'people embrace so many different opinions 'in matters of religion, an University which 'should be open to all persons of all persuasions, must be so constituted as to 'avoid any possible interference with religious belief. The Universities of Oxford 'and Cambridge supply ample opportunities for the education of the clergy of the 'Established Church. It is manifestly impossible to provide a course of professional 'education for the ministers of religion of 'those congregations who do not belong 'to the Established Church. It is equally 'impossible to institute theological lectures for the instruction of lay students 'of different religious persuasions, which 'would not be liable to grave objections; 'still less (say the able founders of the 'London University) is it practicable to 'introduce any religious observances that 'would be generally complied with. In 'the Universities of Oxford and Cambridge, the students removed from the 'superintendence of their parents and 'guardians, are placed in colleges, or new 'domestic establishments, where it is necessary that religious instruction should 'be provided. When students do not reside within the walls of the University, 'but live in the houses of their parents 'or guardians; or, in the case of those 'who come from a distance, live in houses 'selected by their friends, with such precautions for the safety of their morals 'and of their religious opinions as will 'naturally be adopted on the occasion, 'no such provision is required. The religious education of the pupils, therefore, 'must, in such circumstances, be left to 'domestic superintendence, being the 'same provision which, at present, exists 'for that important object, in all cases, 'except those of under-graduates at Oxford and Cambridge during their residence in college.' He entirely concurred with the noble Lord opposite, and the other individuals who signed that Report, in thinking, that it would be impossible to retain religious observances in a University open to persons professing different religious beliefs; and he would add, that, in his opinion, education unaccompanied by religious instruction, would be pregnant with the most mischievous results. If any confirmation of this fact was requisite, let them look to the learned men of other countries. It had been too frequently urged as a reproach against them, that however eminent in science, in literature, and in arts, they were not only deficient in religious feeling, but were the most active propagators of infidelity. But let the House look at the English Universities, and they would there find, that the men who were most distinguished for their learning and science, were also the most distinguished for their sound divinity, and were the most zealous advocates for that Church which their labours so greatly contributed to illustrate and maintain. Let them look back only at the last two years, and see what zeal and assiduity had been manifested by the ablest men at our Universities, to show the necessary connection between the progress of science and the progress of religious knowledge. And after such a proof of the benefit of the existing system, ought they to turn round upon the Universities, and declare that to that system there should be an end? He felt some surprise and regret that none of his Majesty's Ministers had hitherto thought proper to deliver their sentiments on the Motion before the House. He knew not what course the right hon. Gentleman opposite meant to take with respect to it, but he could not believe that the noble Lord (Lord John Russell), after signing the declaration which he had read to the House, would give his support to a proposition which would have the effect of ruining the system under which the Universities at present proceeded. He trusted that the Ministers would be prepared to oppose the proposed scheme, and he should sincerely rejoice to find those to whose hands, for a time, the destinies of this kingdom were committed, supporting a system under which the Universities had hitherto existed with such great national benefit—a system which had advanced the national glory—which had maintained the national safety, and which, if persevered in, would tend, under the blessing of Providence, to preserve the institutions, to redound to the honour, and to increase the prosperity of the country.

Lord *John Russell* said, he should have thought it unnecessary, on the part of the right hon. Gentleman who had just sat down, to ask him and his friends, what their opinion was on the question before the House. The great essential principle on which his Majesty's present Government were disposed to proceed, with reference to it, had more than once been unequivocally stated. He had no hesitation in declaring, that with respect to the principle on which education ought to be conducted in our Universities, he perfectly concurred in every word contained in the petition from the University of Cambridge, which, in his opinion, embodied, in the most moderate and clear terms, the soundest argument in favour of a system equally advantageous to the interests of learning and of religion. It had been said, that no necessity had been made out for such a measure as that now proposed. His answer was, that the necessity for continuing the existing restrictions ought to be shown by those who were the advocates of them. They ought to show why those who were desirous of enjoying all the advantages of an education at the University should not be permitted to do so, and should not be allowed to receive all the honours due to superior literary and scientific attainment and yet follow the dictates of their own conscience in religious matters. It was but a few years ago that no man could be promoted to the rank of a General in the Army, without previously declaring himself a member of the Church of England. That restriction had been abolished. He held, that the same principle was applicable to the subject under the consideration of the House. The right hon. member for the University of Cambridge had introduced some confusion into his argument by saying that because the Church of England was national, therefore Universities which were national, must be also exclusively Church of England. The distinction, however, was clear and obvious. The honours and degrees of the Universities were civil, not ecclesiastical distinctions. Undoubtedly Church preferments were of a different character; and before they were conferred, an inquiry ought to be made whether the person on whom they were to be conferred entertained opinions conformable to those of the Church of England. But when a man asked for a degree, it was to certify his proficiency, not in theology, but in arts, in law, or in physic, with none of which had his religious opinions anything to do. They had no more right to inquire into his religious opinions, under such circumstances, than they would have to examine a person appointed to a Bishopric as to his medical or legal opinions. He should not have been so much surprised to hear the opinions which had been expressed by the right hon. member for the University of Cambridge, if he had been the member for the University of Oxford, because Dissenters never having been admitted into the latter University, an impression might have existed that difficulties would stand in the way of admitting them without interfering with the religious discipline of the University. But in the University of Cambridge all those difficulties had long been surmounted. Dissenters of all denominations had long been freely admitted into that University. At the present moment the son of the Earl of Surrey, and many other Dissenters, were at the University of Cambridge. With respect, therefore, to the arguments of the right hon. Gentleman, although it would be easy to meet them by arguments, they were best met by the facts which proved that no practical inconvenience had resulted from the admission of Dissenters into the University of Cambridge. The only difficulty was when they were about to leave the University. They were then told, that although they had been there for three or four years, and although they had acquired what proficiency, soever they might in the various studies of the University and had adhered with what regularity soever they might to the regulations of the University, they should not receive the degree to which their proficiency in knowledge and their good conduct fully entitled them. He did not wish again to enter upon the historical question which had been debated on the petition. He would merely observe, that the fact was, that by the Reformation in this country, and by the Edict of Nantz in France, at the beginning of the 17th century, in the great Universities and Colleges both of England and France, there was no denial of a degree on account of religious belief. If, therefore, the House should agree, in its utmost extent, to the Bill of the hon. member for Lancashire, they would not be establishing a greater degree of liberty than was found practicable at the begining of the 17th century. But it was asked what good would there be in making this change? He was surprised at that question. That the Protestant Dissenters were sincere, conscientious men—that they were the firm adherents of the succession of the House of Hanover—that they had ever been loyal to the throne—that they had contributed mainly and greatly to the establishment of the Constitution of this country,—and that they did at present inculcate religion on a vast portion of the people in the manufacturing districts of the country, to whom the Church of England was unable to give religious instruction, was undeniable. But he heard it said the Protestant Dissenters were sour and narrow minded—they had not the ability, and learning, and openness of mind of members of the Established Church. This was the continual charge against the Dissenters; and when there was an opportunity of mingling Protestant Dissenters and Churchmen, of bringing them by similarity of pursuits in learning and literature to abate somewhat of the harshness of polemical disputes, and to get rid of the dislike which was apt to be engendered between Dissenters and members of a dominant Church—when there was an opportunity of doing this,—they were asked what was the advantage of it? He was convinced that the greatest good would result from it—he was convinced that by admitting Protestant Dissenters to these great establishments (and the higher his opinion of the learning of Oxford and Cambridge, the greater was his desire that Dissenters should share in it), they would be willing to abate somewhat of their hostility to the Church, a great principle of religious liberty would be conceded, and no possible inconvenience could follow.

Sir *Robert Inglis* said, the noble Lord expressed his adhesion to the Motion in language pretty nearly, if not entirely, the same as that in which one of the noble Lord's colleagues expressed his adhesion to the prayer of the Cambridge petition. The least extensive, however, of the two propositions submitted to the House that night embraced a far wider and more important change than any suggested in the Petition. Either of the two propositions, if adopted, would completely overturn the constitution of the Universities of this country. Technically speaking, no legislative measure could be made to rest on either of the propositions submitted to the House that night. The obvious and more direct course would be to repeal so much of the Act of Uniformity as bore upon the question. If the Bill now proposed passed into a law, the necessity would still remain of taking the Oath of Supremacy and the Oath of Allegiance. The hon. and learned member for the Tower Hamlets stated, that the Universities were national institutions, though he limited the claims of admission into them, by saying that they should be open indiscriminately to all professors of Christianity. If it was the right of the subject generally to enter the Universities, and take degrees, (for to this extent the principle of the hon. and learned member for the Tower Hamlets seemed to go), how could they fairly and conscientiously exclude from the same benefits that class of his Majesty's subjects professing the Hebrew religion. He did not see how they could stop short, if they were once to make this inroad on the constitutions of Oxford and Cambridge. It was not without good and sound reason, that the regulations which it was now sought to get rid of, were originally established. All experience, from the earliest time up to the present day, sufficiently proved, that unless those intrusted with the education of youth communicated religious instruction upon some fixed and definite standard of belief, the objects of religious instruction could never be attained. How was it possible to convey such instruction in any other way? If pupils were perfectly free to differ from their instructors, to entertain and to avow what tenets they pleased, and to maintain their own opinions, there must be immediately an end to anything like religious education, and the greatest confusion and inconvenience would follow. If pupils might dissent from their instructors—if they might believe and avow whatever doctrines they pleased—they might also teach them, and thus turn the University into one scene of confusion and polemical contention. The hon. and learned member for the Tower Hamlets said, the Universities were national institutions for education, from the benefits of which no man should be excluded on religious grounds. If this doctrine were correct—if they were free to alter the constitution of these institutions,—what was there to prevent them from interfering in the same way with any Corporation in the country? What was there, for instance, to prevent them from placing in jeopardy the property of a canal, and totally altering the constitution of a Canal Company, or of any other Corporation? Having before spoken of this question, and having experienced much attention and indulgence from the House, he was unwilling to trespass again upon their kindness, and should not do so, were it not for the peculiar situation in which he stood with respect to one of the great bodies to which the Motion referred. The hon. member for the Tower Hamlets complained, that the articles were signed at the University of Oxford, by young men not more than sixteen years old and he then added seventeen or eighteen, (a very important difference was made by two years at that period) in ignorance; but who were to blame for that ignorance? Not the University, whose rules did not require them to come so early, but their parents or their tutors. But in truth such he believed was not the case. He had before stated, on the authority of a tutor of Oxford, who had attended upwards of 400 young men, that a very large proportion of that number, not less than nineteen in twenty, had read the articles, and were generally acquainted with the elements of theology, before they came to be matriculated. The hon. and learned member for the Tower Hamlets had argued, that if the different sects were admitted, an additional motive would be imposed on the divinity professors, to the more diligent and faithful discharge of their important duties. But if, in rival schools of theology, young men were taught not to pursue their studies in quietness and peace, humbly endeavouring to serve God, and unitedly to ask his blessings in the prosecution of their studies; but night and day to marshal themselves against each other, — Calvinist against Armenian—Papist against Church of England-man,—Baptist against Independent,—each sect calling itself religious (not to mention any of that class of British subjects who were not even Christian in name)—the moment the Universities were made the theatre for such discussions, so little tending to promote either sound learning or religious education, its glory would have departed, and its usefulness, as a national establishment for the protection of Christian morals and doctrine, would for ever cease. The hon. member for the Tower Hamlets had insisted not merely that the property of the Universities had been either created or secured by Acts of Parliament, but that the latter portion of it had been bequeathed by others than Protestants. A distinguished person some years ago had discarded history as an old almanack; and the noble Lord had also conveniently declined to pursue historical argument on the present occasion. He would not now repeat the details which he had entered into formerly, but he would state, without fear of contradiction, so far as arguments founded on fact were worth any thing, that the endowments of the Universities were, in by much the larger portion, the bequests of Protestants of the Church of England; and if any identity of religious opinion could constitute a claim for admission, it could not be maintained by Roman Catholics, and still less by the Protestant Dissenter. The latest of all the foundations, Downing College, opened in the memory of some of those whom he had then the honour to address—in the present day—in this age of light and liberality, as gentlemen were fond of describing it,—was founded strictly and exclusively for those professing the faith of the Established Church. On what grounds, then, of right or reason could Parliament call on those Gentlemen who were associated in that College for the promotion of the objects and interests of the Church of England, to compromise their own opinions and principles, and open their doors to the admission of persons who professed every shade of religion or no religion, perhaps, whatever? In the large majority of the original foundations, the fellowships, scholarships, and studentships, were limited sometimes to relatives of the founders, to the parishes in which they lived, the counties of their birth, the dioceses of which they had been made prelates; and, in no single instance, he believed, was it ever left uncertain what the destination of the endowment of a given benefactor should be. It was always, however, subject to other limitations,—to promote the service of God in the Church. It was always to promote the cause of religion, and, in the great majority of cases, with special reference to some locality or hereditary interest in certain parties. Unless the Parliament was prepared to unsettle and destroy all the foundations of every species of property in the kingdom, they could not, on any principle of reason or justice, call on the present possessors to relinquish the rights on which they held their privileges to make room for those who had nothing in common with the founders? Much of the property thus left had been undisturbed for three centuries; and was the trust to be now withdrawn from the body by which it had been so long and so faithfully administered? The noble Lord (Lord John Russell) said, as they had no right to examine a Bishop as to his proficiency in law or physic, neither should they question a lawyer or physician as to his proficiency in religious studies. His answer to this was, that law or physic was not necessary to the education of all, but religion was. It was not necessary for a Bishop to be a lawyer or a physician; but it was necessary for the interests of society that all should be instructed in the will of God, and be made wise unto salvation. How was this to be done, if the compromise now proposed should be adopted? It was not instruction merely in the dogmas of religion that was to be considered in their Universities, but that habitual, that daily and hourly, intercourse with observances and duties, which connected religion with all the concerns of life, and thus fixed it lastingly on the heart and the affections. He did not object to the Dissenters educating their youth in the highest degrees of human learning; but he called on them not to desecrate those walls which for three centuries had been hallowed by the prayers and praises of the reformers of England, who had maintained the pure episcopalian form of government which he hoped was now permanently established, by admitting men of all religions, who would either convert them into the arena of turbulent disputation, or, which, perhaps, would be even still worse, deprive them of the guardianship of Christian faith and hope; which, once withdrawn, would render the age of peculiar temptation more critical and dangerous than ever, and deprive the State of England of that continued accession of Christian and good subjects which it had been the honour and privilege of the Universities of England to supply. Now, one word as to the power of Parliament to effect this object. He was well aware that, in every State, a supreme power must exist either in a King, in a King and two Houses of Parliament, or in an oligarchy. He admitted the power of Parliament in this case, but denied the right. They might pass a law to repeal the Act of Uniformity; they might induce the Sovereign to send down letters to the University of different import to that of James the 1st; but even the power of Parliament could not force the governing bodies to admit Dissenters, for the grounds of admission or rejection would be still within the discretion of those bodies. Like every Corporation, they were free to fill up vacancies in their body as they pleased. Suppose the Act of Uniformity to be repealed, and the necessity removed of declaring uniformity to the doctrines of the Established Church, what more would follow but merely the admission of Dissenters within the walls of the University, but not into her Colleges? Admit them as members of the governing bodies, and then the character of the University was at once overturned. The right hon. member for the city of Cambridge (Mr. Spring Rice) held out a threat the other night, that certain grants now made by Parliament to the Universities might be withdrawn, if they refused compliance with such a measure as that proposed; at least his right hon. friend was understood to have held out such a threat. He had a much better opinion of the governing bodies of both Universities than to suppose for a moment, that they would sacrifice their principles for any pecuniary considerations. In such a case they would not hesitate as to the course they would and ought to pursue. He was thankful for the indulgence extended to him, and should not have trespassed so long, but that he felt very deeply the importance of the subject. He, as well as a large majority of the inhabitants of this country, felt a deep interest in the existence and prosperity of the Established Church, and for that reason he should oppose both the propositions.

Mr. *Ord* said, that the proposed measure would not interfere with the discipline of the colleges, but would merely go to remove the tests which were now imposed upon Dissenters in taking their degrees. Whatever regulations the Universities might choose to adopt for their internal discipline, would be left to their own discretion. He would remind hon. Gentlemen opposite, that no religious education was given by the Universities, as Universities—at least, by the University of Cambridge, with which he was best acquainted. He was now speaking of the time when he had himself graduated. He was aware, that since then an examination of a religious character had been introduced; but though of a religious nature, it could not be said, by any means, to partake of a doctrinal character. It was only such an examination as required students to be acquainted with the language of the Gospels, and the history and evidences of the Christian religion. If he wanted a confirmation of this assertion, he could refer to the authority of one of the greatest ornaments of the present age—Professor Sedgwick, who, in a letter lately written by him, backed this declaration by an appeal to the subjects of examination, and stated, that there was nothing in them in which any Dissenter could object to be examined. If then it could be proved, that the Universities, as Universities, did not teach the doctrines of religion to their students in the same sense in which they taught mathematics and other courses of learning,—as they taught physic to those who went out in medicine, and civil law to those who went out in law; if, he said, they did not teach religion in this way,—if the student never heard of the Thirty-nine Articles, or of the doctrines upon which they were founded from the University, as a University, until he was about to take his degree; he said it was an injustice to the Dissenters to turn round upon them at the moment they presented themselves to take their degrees, and to say, that they should not reap that reward which their talents and their diligent study deserved, and should not go forth to the world with the credit which a degree at the University conferred. This was a civil disqualification—a civil disability, which he wished to see removed, as it imposed upon the Dissenters the necessity of either foregoing the benefit of an education at the University, or of appearing there as individuals of an inferior and degraded class. Much as he valued education at the Universities, he should be the last man in the world to advise a dissenting parent or guardian to send a youth to the University to be situated as he must be situated there, and exposed to influences which must be most injurious and fatal to him, in consequence of his feeling that he belonged to an inferior and degraded class.

Mr. *Hill* said, that at the outset of life he had been deprived of the benefits of an education at the University, by the operation of the very law which the House was now discussing, and his feeling of discontent and disappointment was never stronger than when he saw the learning and talent displayed by persons connected with the Universities. The hon. member for the University of Oxford represented, that one of the grievances of which the Dissenters complained was the obligation to take the Oath of Allegiance. In this he was sure the hon. Baronet was mistaken, for his own intercourse with the Dissenters was very great, and he had never heard that they considered the Oath of Allegiance as a grievance. He must beg leave to remind the hon. Baronet, that there was a time when the Dissenters were more willing to take the oath of allegiance than the learned body which he so well represented; and he must also beg leave to remind him, that the views of that learned body were enlightened upon the subject, not by polemical discussions—not by the labours of any casuist who took pains to examine the question minutely; but their doubts were removed by General Carpenter and a troop of horse—a mode of conviction which the Dissenters never required when their allegiance and their loyalty to the House of Brunswick were put to the test. The Dissenters were, in fact, always too ready to forego their own claims in favour of claims which, though not more just, might be of more cogent urgency. Although he agreed with the hon. member for Oxford, that a large proportion of the Dissenters of this country were in favour of an Establishment, and would be sorry to see the foundations of the Church sapped, yet he must call his attention to the fact that that feeling, instead of increasing, was on the decrease amongst that body, and it could only be restored by following up the principle of the repeal of the Test and Corporation Acts, removing distinctions which were, perhaps, petty in themselves, but not the less irritating because they were petty, and placing the Dissenters upon a level with the members of the Church of England. He hoped the Motion of the hon. member for Ashton would receive the support of the House.

Mr. *Baines* only wished to state two facts. One of them was in answer to an argument of the hon. Baronet opposite, in which he had been pleased to say, that a great proportion of the Colleges in our two Universities were formed by Protestant founders. Now, so far as regarded the number of colleges, the hon. Baronet was evidently in a mistake. Of the sixteen Colleges at Cambridge, twelve, and of the nineteen Colleges at Oxford, thirteen, were founded before the Reformation. There was one peculiarity about the statutes of all those Colleges to which he wished to call the attention of the House, and that peculiarity was, that they were declared open to all. In making them exclusive establishments, the intention of the founders had been grossly violated. At this moment there was a disposition among the Protestant Dissenters to do all in their power to conciliate the Establishment, and that disposition had never been more strikingly displayed than on a very recent occasion, when the noble Lord below him brought forward his proposition for the commutation of tithes in England and Wales. Never was a proposition announced which was more calculated to give stability to the Church, and never was there a proposition to which the Dissenters had offered less opposition. The Dissenters, therefore, had a right to put in their claim for a reciprocity of kindness from the Church. He would not trespass further on the attention of the House than to remark, that as the colleges were formed for all, they ought to be enjoyed by all; and that, in limiting their students to one sect, the original intention of their founders had been violated.

The House divided on the Amendment, and the numbers were: Ayes 185; Noes 44—Majority 141.

Leave given to bring in the Bill.

List of the AYES.

ENGLAND.

Adams, E. H.
Aglionby, H. A.
Althorp, Lord
Baines, E.
Baring, F. T.
Baring, W. B.
Bainbridge, E.
Barham, J.
Barnard, E. G.
Bewes, T.
Beauclerk, Major
Beaumont, T. W.
Bernal, R.
Biddulph, R.
Blackburne, J.
Bouverie, Captain
Bolling, W.
Briggs, R.
Briscoe, J. I.
Brodie, W. B.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Bulwer, E. L.
Buxton, F.
Calvert, N.
Carter, B.
Cavendish, Lord
Cayley, Sir G.
Cayley, E. S.
Chaytor, Sir W.
Chichester, J. B.
Childers, J.
Clay, W.
Clive, C. B.
Codrington, Sir E.
Crawley, S.
Curteis, H. B.
Dawson, E.
Dundas, Captain
Divett, E.
Dykes, F. L. B.
Ebrington, Viscount
Ewart, W.
Ellis, W.
Fazakerly, J. N.
Fellowes, H. A. W.
Fenton, J.
Fitzroy, Lord C.
Fort, J.
Gaskell, D.
Gisborne, T.
Gordon, R.
Graham, Rt. Hn. Sir J.
Grant, Right Hon. C.
Grant, R.
Grey, Sir G.
Gronow, Captain
Handley, Major
Hawes, B.
Heathcote, J.
Hill, M. D.
Hodges, T. L.
Howard, P. H.
Howard, Hon. E.
Howard, R.
Howick, Viscount
Hume, J.
Hutt, W.
Hyett, W. H.
Jervis, J.
Kennedy, J.
King, E. B.
Lambton, H.
Labouchere, H.
Langdale, Hon. C.
Langston, J. H.
Lefevre, C. S.
Lemon, Sir C.
Lennard, Sir T. B.
Lennard, T. B.
Lister, E.
Littleton, Rt. Hn. E. J.
Locke, W.
Lumley, Lord
Lushington, Dr.
Mangles, J.
Marjoribanks, S.
Marshall, J.
Martin, J.
Milton, Viscount
Monckton, Hon. H.
Morpeth, Viscount
Morrison, J.
Mosley, Sir O.
North, F.
Ord, W.
Palmer, C. F.
Parker, J.
Parrott, J.
Pease, J.
Pelham, Hon. C. A.
Penlease, J. S.
Pepys, Sir C.
Peter, W.
Potter, R.
Philips, M.
Philpotts, J.
Pinney, W.
Poulter, J.
Rice, Rt. Hon. T. S.
Richards, J.
Rickford, W.
Ridley, Sir M. W.
Rolfe, R. M.
Romilly, J.
Romilly, E.
Russell, Lord J.
Russel, Lord C. J. F.
Russell, C.
Sanford, E.
Scott, Sir C.
Sebright, Sir J.
Scrope, T.
Sheppard, T.
Smith, V.
Spankie, R.
Spencer, Hon. Capt.
Stanley, E. J.
Stanley, Rt. Hn. E. G. S.
Staunton, Sir G.

Staveley, T. K.
Stewart, T. M.
Strickland, Sir G.
Strutt, E.
Stuart, Lord D. C.
Tancred, H. W.
Tayleure, W.
Thomson, Rt. Hon. P.
Todd, J. R.
Tooke, W.
Torrens, Colonel
Tower, C.
Trelawney, Sir W. L. S.
Tynte, C. J. K.
Vernon, Hon. G.
Vincent, Sir F.
Vivian, J. H.
Wilbraham, G.
Wilks, J.
Williams, Colonel
Wood, G. W.
Wood, C.
Walter, J.
Warburton, H.
Warre, J. A.
Ward, H. G.
Watkins, J. L. V.
Wason, R.
Wedgwood, J.
Whitmore, W.
Whalley, Sir S.
Young, G. F.

SCOTLAND.

Callander, J. H.
Dunlop, J.
Hay, Colonel L.
Johnston, A.
M'Kenzie, S.
Oliphant, L.
Oswald, J.
Sinclair, G.
Stewart, E.
Wallace, R.

IRELAND.

Barron, H. W.
Barry, G. S.
Butler, Hon. J.
Clements, Lord
Evans, G.
French, F.
Hill, Lord M.
Lambert, H.
Lynch, A. H.
Martin, J.
O'Callaghan, Hon. C.
O'Connell, M.
O'Connor, D.
O'Reilly, W.
Perrin, L.
Ruthven, E. S.
Ruthven, E.
Stawell, Colonel
Talbot, J.
Vigors, N. A.

PAIRED OFF.

Barnett, J. C.
Lennox, Lord W.

List of the NOES.

Bankes, W.
Baring, A.
Baring, F.
Bell, M.
Blackstone, W.
Brudenell, Lord
Bruce, C.
Chetwynd, Captain
Clive, R.
Darlington, Lord.
Duffield, T.
Egerton, W.
Estcourt, T.
Fielden, W.
Finch, G.
Gaskell, J. M.
Gladstone, W. E.
Grimstone, Viscount
Hardinge, Sir H.
Hayes, Sir E.
Herbert, Hon. T.
Herries, Rt. Hon. J.C.
Lefroy, A.
Lincoln, Lord
Lopez, Sir R.
Manners, Lord R.
Neal, Sir H.
Nichol, J.
Norreys, Lord
Peel, Rt. Hon. Sir R.
Perceval, Col.
Ross, C.
Ryle, T.
Somerset, Lord G.
Stanley, E.
Trevor, G. R.
Tyrell, Sir J.
Vyvyan, Sir R.
Whitmore, T. C.
Wood, Colonel
Wynn, C.
Young, T.

TELLERS.

Inglis, Sir R.
Goulburn, Rt. Hn. H.

PAIRED OFF.

Reid, Sir John R.

HOUSE OF LORDS,

Friday, April 18, 1834.

MINUTES.] Bills. Read a second time:—Exchange of Lands in Common Fields.—Committed:—Judgments English and Irish.

Petitions presented. By the Duke of SUTHERLAND, the Marquess of LANSDOWNE, and Lords DACRE and SUFFIELD, from a Number of Dissenting Congregations, for Relief for the Dissenters.—By the Duke of WELLINGTON, from the Presbytery of Skye, against any Alteration in the present System of Church Patronage in Scotland.—By the Marquesses of CHOLMONDELEY and LANSDOWNE, and the Bishops of LONDON, LINCOLN, and DURHAM, from a Number of Places,—for the Better Observance of the Sabbath.—By Lord MELBOURNE, from a Parish in Glasgow, against the Appointment of Ministers (Scotland) Bill.—By the Earl of CARLISLE, from the Hand-Loom Weavers of Wigton, for a Board of Trade, and for Relief.

FESTIVAL AT WESTMINSTER ABBEY.] The Duke of *Newcastle* said, he was anxious to put a question to a noble Viscount (Lord Melbourne) whom he did not then see in his place, upon a subject, to his mind, of considerable interest. His question related to the approaching Musical Festival appointed to be holden in Westminster Abbey. He entertained a strong objection to the dedication of such a place to such a purpose. He had no doubt that the selection had been made inadvertently, but certainly he had no doubt as to the impropriety of devoting the Abbey to such a purpose. He was, therefore, anxious to call the attention of their Lordships to the subject, in the hope that a solemn place of worship might not be desecrated by such proceedings. Perhaps the noble Earl at the head of his Majesty's Government would say whether the Musical Festival was really appointed to be holden in Westminster Abbey, and whether it was intended to make any alteration in that respect?

Earl *Grey* assured the noble Duke that he knew no more than was known to all the world, viz. that a Musical Festival was to be held in Westminster Abbey, and that it was to be conducted upon precisely the same plan as the Festival and Commemoration in the reign of George the 3rd. It did not belong to him in his capacity as Minister of the Crown, as the noble Duke was probably aware, to interfere in such matters.

The Duke of *Newcastle* said, he had been present at the consecration of a Church, and he well remembered, that the canon strictly enjoined that the Church should be used for no other purpose than religious worship. Their Lordships were aware that he was not a fanatic, and had no other object in view but to preserve the sacred character of our religious edifices. He hoped some alteration would yet be made as to the place at which this Festival was to be held.

The Earl of *Malmesbury* said, no one was more fully impressed with sentiments of proper reverence and respect for places of worship than he was. Many things were permitted to go on in Churches in London, in parochial Churches, of which he highly disapproved, and which he thought it would be well to check; but when he knew, that King George the 3rd, of glorious memory, and Bishop Porteous, one of the greatest ornaments of the Episcopal Bench, had sanctioned such a Festival as that now proposed, he could not think that it was a desecration of the Church. If the ceremony of the Coronation was permitted in the Abbey, why not a Commemorative Musical Festival?

Subject dropped.

SMUGGLING PREVENTION BILL.] Lord Auckland moved the Order of the Day for the second reading of the Smuggling Prevention Bill.

The Earl of *Malmesbury* said, he approved of that part of the Bill which provided that in future smugglers should not, as a punishment for the offence, be sent to serve in the Navy or the Army. It was degrading to either service, and must be felt so by soldiers and sailors, to see men serving with them who were considered criminals. He must, however, observe, that it would become a source of great additional burthen upon counties and upon land if smugglers were to be confined in separate prisons, and at the expense of the county according to one clause of the Bill. Counties had been lately burthened with a heavy expense in consequence of an alteration in our Military-law, and he hoped that no additional burthen would be thrown upon them.

The Duke of *Richmond* said, it was the intention of Government that the expense should be borne by the Customs.

Lord *Auckland* said, that the present Bill was chiefly introduced at the request of the Lords of the Admiralty, who felt a strong objection to admitting criminals into the Navy. At present great exertions were making to enhance the respectability of the naval service, and it was to promote that which led to the present Bill. He would, moreover, observe, that the operation of the law at present was very unequal, which was a further reason for amending it. Though the Bill related to smuggling, it was not in any manner intended to facilitate the collection of the revenue.

Viscount *Strangford* had so frequently troubled their Lordships with the expression of his opinions as to free trade in general, and as to that branch of it in particular called smuggling, that it was scarcely necessary for him to assure the House that he had no very favourable disposition towards a practice which he looked upon to be one of the most fertile among the many fertile sources of crime and misery in this country. He had, however, a strong objection to a Bill which gave to Magistrates a power which he thought they ought not to possess—the power of drawing a distinction in point of punishment between the rich offender and the poor one, and of enabling the former to escape by the strength of his purse from that infliction of personal degradation and disgrace which, under this Bill, was to be dealt out to those whose offence was enhanced by the misfortune of being poor. The rich man (in nineteen cases out of twenty more culpable than the poor one) was to be let off on the payment of a pecuniary fine, which would be no punishment at all to him; while the poor one, driven perhaps to crime by the desperation of actual want, was to be condemned to what might turn out to be twelve months of close confinement, and hard labour at the treadmill into the bargain. If their Lordships were to enact additional penalties for this offence, which he should presently show to be altogether unnecessary, he begged them to do so in a spirit of equal and common justice to all classes of their fellow-subjects. He should like to know how many prosperous and wealthy gentlemen and citizen smugglers would be sent to the tread-mill under this Act? He knew, and so did the noble President of the Board of Trade, of a certain great commercial house, somewhat "discreditably known" (for that, he believed, was the polite phrase sometimes employed in speaking of irregular pecuniary transactions), "somewhat discreditably known" in the City by its connection with smuggling. He doubted much whether a bench of London Magistrates would venture to send to the treadmill any of the partners of the wealthy, and, as it was called, respectable house. The ostensible object of the Bill was, to relieve the Royal Navy from the degradation of being employed as a punishment for smugglers. He certainly thought this a very fair and proper principle, and he was not at all inclined to quarrel with it. He would merely observe, that he thought it was hardly accurate to consider this sort of service in the navy as identical with punishment. In point of fact, it was merely taking out in personal service to the King the value of that pecuniary fine which, from the poverty of the offender, could be recovered in no other way. Be this as it might, he thought that this compulsory service in the navy might be done away with altogether, without substituting in its place the felon's punishment of the treadmill. He believed that, if the King's Ministers had only courage enough to do their duty, they had it in their power to attack and to destroy smuggling in the very sources in which it mainly originated; and that, too, without loading the Statute Book with new and additional pains and penalties. They had it in their power, by the exertion of a proper English spirit in the proper quarter, to increase the revenue to the extent of nearly one million per annum, by relieving it from the loss to an equal amount which it now sustained in consequence of the indecent encouragement openly given by the French authorities to the practice of smuggling on the northern and western coasts of France. Were their Lordships aware—were noble Lords opposite when they prepared this Bill aware—that there existed at that moment on the other side of the Channel certain privileged ports, such as Boulogne, Cherbourg, Dieppe, Fécamp, Barfleur, St. Valeri, Etaples, and two or three more between Brest and St. Maloes, all the local and municipal regulations and ordonnances of which were framed solely and exclusively with a view to facilitate and encourage the illicit importation of French goods and produce into this country? He would mention a few only of those regulations. He would assert nothing which he could not prove. In the first place, all British boats and vessels of a certain low rate of tonnage were admitted into those ports without being called upon to produce any papers or clearance whatever from the Custom-house, of the place whence they had last sailed; a practice, he was quite sure, contrary to all the rules of maritime and commercial intercourse between State and State. He did not believe, that out of the dominions of our dear and intimate ally, there existed any one port on the face of the globe where such a latitude would be allowed. What would our dear and intimate ally say or do, if we were to invest Brighton, or Weymouth, or Southampton, or Dover, and half a dozen ports more on our side of the water, with similar privileges? He believed, that our dear and intimate ally would take it heinously ill. But this was not all. In the second place, these small smuggling British vessels were admitted into the ports in question on the payment of dues generally one-third less than those which were paid by the fair and regular trader—that was, at the rate of 10*d.*, instead of 3*s.* and 3*s.* 6*d.* per ton. Was this, he asked, or was it not, a direct bounty and premium for smuggling? In the third place, at Bourdeaux, Rochfort, Rochelle, and other great ports, from which brandies could be legally exported, according to the French law, in casks containing not less than forty gallons—a proper and salutary law, and which, so far as those ports were concerned, undoubtedly tended to the prevention of smuggling—now what happened at the privileged, or, as he must call them, the smuggling ports? Why, brandies were allowed to be exported from them in the convenient and portable form of kegs, containing from three to six gallons. Could any man doubt what this meant, and that if this indulgence be not merely connived at, but actually avowed, and all but enjoined by the French government, it could only be for the purpose of facilitating the contraband importation of their brandies into this country? In the fourth place, it was a positive fact, that our cruisers were prohibited from entering these privileged ports. When he said our cruisers, he meant vessels employed in looking after smugglers, such as cutters and revenue traders. He was told, too—but this he was certainly not prepared to prove, and was most unwilling to believe—that we, on our part, acquiesced so good-naturedly and so good-humouredly in this exclusion of the King's pennant from these privileged ports, that, in more than one instance, the commander of a British cruiser had been censured for having ventured to approach them, in consequence of complaints and remonstrances of the French Government. This, he could hardly credit. He hoped that, however, for prudential reasons, we might put up with injury, we had not yet shown ourselves altogether insensible to insult. By treaty, every French vessel, of every sort and size, was allowed to enter our ports, and to remain there as long as she pleased. Why, then, he asked, should British vessels, employed for the repression of smuggling, and they only, be excluded from those ports of France, where, at the same time, every possible bonus and bounty was held out to contraband trade? Having stated these facts, and, moreover, declaring himself, as he did, in his place in Parliament, quite prepared to substantiate them, he thought he had a fair right to say to noble Lords opposite, that, when they sought to repress the offence of smuggling, they ought to look to causes rather than effects. They ought to prevent rather than punish; and they should first try what could be done in the way of bringing the French Government to a sense of common decency and common honesty—he would not say of common justice—because he did not wish to ask for what was unreasonable or impossible, before they came down to this House with a Bill, imposing additional disgrace upon such of our fellow-subjects as should be involved in that guilty system, of which, so long as these privileged ports should continue on their present footing, he charged the French Government with being the authors and abettors. His Majesty's Ministers must either be cognizant or ignorant of this system of masked and insidious hostility against some of the best interests of the country. If cognizant, had they tried to put a stop to it by holding such language, as, under such circumstances, British Ministers were entitled to hold? If ignorant, what were we to think of Ambassadors, and Consuls, and Vice-Consuls, and other official servants, who, paid by the public for watching over their interests, left their Government without information on points so vitally affecting them, and on matters which were as notorious as it was that the sun shone at mid-day? He had a most earnest and unfeigned desire for the preservation of a perfect and cordial good understanding with France. But he was not prepared to pay too high a price for the pleasure of bragging and boasting once a-year that such a good understanding did really subsist. He did in his conscience believe, looking at the past, looking at the present, and fearing for the future, that, from the days of Charles 2nd down to our own pre-eminently glorious period, there was no one earthly advantage to be derived from what was fondly termed an intimate connection with France, for which, in some shape or other, in the shape of honour or in that of interest, we had not to pay ten thousand times more than the value received.

Lord *Auckland* said, it was impossible to prevent smuggling, unless by such a reduction of duties as would render it not worth while to run the risk. As to France, he knew not that this Government could interfere with its municipal regulations; but whenever any authorised act of smuggling was made known to Ministers, they remonstrated strongly against it, and obtained satisfaction. He must add, that the regulations of England were not altogether destitute of that character of connivance which the noble Lord properly blamed in those of France. He was afraid, that, on the frontiers of all countries, where very high duties were levied, it was impossible to prevent the appearance of connivance.

The Duke of *Wellington* said, he had opportunities of knowing for many years what was passing on the coasts of this country, and he was quite ready to acquit the present Government of the charge of holding out encouragement to smuggling. But when his noble friend (Lord Strangford) said, that illicit exportation was encouraged from France, it was no answer to him to say, as the noble Lord (Auckland) did, that it was impossible to prevent smuggling.

Earl *Grey* had not thought the observations of the noble Viscount required any reply; but, after what had fallen from the noble Duke, he must make a single observation. He looked with great satisfaction to the intimate and confidential union which existed at that moment between England and France, as, on its continuance, he did not hesitate to say, the peace of Europe depended; and he, from his heart, hoped that it would remain uninterrupted; but to sacrifice the honour and interests of his country, even to so desirable an object as that which he had stated, he was, he begged leave to say, quite as incapable of doing that as the noble Baron himself. Why did not the noble Baron come manfully forward and produce his charge—why did he not state his facts upon a Motion, of which notice had been given? Let the noble Viscount do this whenever he liked, and he would meet him and his charge, and answer, and, as he thought, refute it. The noble Viscount had spoken as if this smuggling trade had only commenced since the present Ministers took office. The noble Viscount said, yes; and again he said, no. But he asked, was it peculiar to the French? was it not a natural desire with them, as with every other people under the sun, to produce as much as they could, and to export as much as they could? If the noble Viscount would state any thing specific, he would at once grapple with the charge; but he would say no more on the subject now—seeing how easy it was to make general sweeping assertions, how difficult properly to repel them—than that his Majesty's Government had never on this, or on any other subject—no matter what—shown any backwardness to express their opinions to the French Government in a becoming and suitable manner, and that whenever it had been necessary to remonstrate on this particular subject, they had immediately done so, and at once been attended to. He repeated, that he was sincerely anxious for the continuance of this union, which the noble Baron so much decried; because, in his conscience, he believed it fraught with good to this and to every other country—because, above all, he thought it an honourable guarantee of peace; but that union should not be maintained for a moment longer by him, if it was to be at the expense either of the interests or the honour of his country.

Viscount *Strangford* begged to say one word, in the way of explanation. The noble Earl had asked, whether it was meant that the regulations of the French Government, of which he complained, had been introduced since his (Lord Grey's) accession to office; and, upon receiving an answer in the affirmative, had emphatically denied that such was the case. Now he begged again to repeat, in answer to the denial of the noble Earl, that those regulations of the French Government, of which he complained, had all been framed since the accession to office of the present Government, namely, subsequently to January, 1831. Before that time the French Government never ventured on such proceedings.

The Bill was read a second time.

HOUSE OF COMMONS,

Friday, April 18, 1834.

Minutes.] Bill. Read a first time:—Poor Laws Amendment.

Petitions presented. By Mr. Handley, Sir J. Johnstone, Mr. V. Smith, Colonel Powell, Colonel Edwards, and Mr. Plumptre, from several Places,—for the Better Observance of the Lord's Day.—By Lord Dalmeny and General Sharpe, from the Schoolmasters of Annan and Stirling, for an Augmentation of their Salaries.—By Mr. Plumptre, from Canterbury, for the Abolition of Tithes.—By Major Beauclerk, from the Farmers and Graziers attending Croydon Market, against the Islington Market Bill.—By the same, Lord Clements, and Mr. M. O'Connell, from a Number of Places,—for the Abolition of Tithes in Ireland.—By Major Beauclerk, from Ardglass, for a Commission of Inquiry into the State of the Fisheries.—By Mr. Ross, from Aberbrothwik, for the Repeal of the Duty on Draught Horses; and from Montrose, for the Repeal of the Duty on Stamp Receipts. By Mr. Plumptre, from Croydon, for an Inquiry into the Abuses connected with the Church Establishment.—By General Sharpe, and Lord Dalmeny, from several Places, for an Alteration in the present System of Church Patronage in Scotland.—By Mr. Morgan O'Connell, from a Number of Places, for the Repeal of the Union.—By Sir Oswald Mosley, from Norton and other Places, against any Measure likely to weaken the Efficiency of the Church of England.—By Mr. Blackburne and Mr. Vernon Smith, from two Dissenting Congregations,—for Relief to the Dissenters.

The Dorchester Labourers.] Major *Beauclerk* presented a Petition, agreed to at a public meeting at Leeds, signed by Thomas Boslan, in behalf of the meeting, condemning the sentence passed upon the six Unionists at Dorchester, for violating an obscure Act of Parliament, and hoping that the House would interpose, and not allow one law for the rich and another for the poor. He supported the prayer of the petition, and was happy to hear, that the hon. member for Stamford said, "that, although he was violently opposed to Trades' Unions, yet he thought the law in this instance was overstretched." It would be the wildest scheme the Government ever attempted, to strike in such a manner at the Unions, and he hoped that Government would recall the men. If no other Member did, he would move an Address to his Majesty, to restore those poor men, all of whom had wives and families, to their country. He entreated his Majesty's Ministers to accede in this instance to the voice of the people, and not to strive to put down their Unions by a method which was unjust. When they did any wrong, no man would be more ready than he to put them down; but he was persuaded, that they were not to be put down by such means. Let Ministers look across the Channel, and see the French government attempting to put down the people by the bayonet, but though much blood might be shed, force would never accomplish it. Let the Government rather give relief by reducing the taxes, and so promote contentment.

Mr. *Hume* supported the petition. The

meeting at Leeds consisted of 20,000 persons, the proceedings were most orderly, and the sentiments of the petition unanimously adopted. He had several petitions to the same effect to present to the House; one from a meeting at Marylebone, of 3,000 persons; and meetings were taking place everywhere to remonstrate against this act, for a more cruel, or unjust act, had never been perpetrated by any Government. The sentence might certainly be legal; but when he looked at the higher classes, and saw that they formed Unions, and administered oaths on the admission of members, he was led to inquire why the law was not also enforced against them? The Act under which these men were condemned, was one of Mr. Pitt's Gagging Bills, and the other night the noble Lord, the Paymaster of the Forces, said—"Did any man expect that the principles of Mr. Pitt would be sanctioned by this Government?" That was now the fact in this case. What had taken place? A few individuals, suffering from want under low wages, were ill-advised to think they could relieve themselves by uniting in such associations as they had formed; but they were ignorant that they should render themselves liable to such a punishment as had been inflicted upon them. The Government ought, at least, to have suspended the hasty execution of such a sentence; and, for not doing so, they deserved to be severely condemned. He must say, when he saw the law drawing such a glaring distinction between the rich and the poor, that the Ministers ought not to have lent their aid to such an act, nor have given it so speedy a sanction. He would admit that the sentence was legal; but were there no crimes of a much more serious cast which were frequently pardoned? Upon what grounds, therefore, did the Government act in this case? He could attribute it to nothing but a cowardly feeling on its part, which, finding the Trades' Unions opposed to its views, was anxious to get at them, and had seized the first victims it could. He had no hesitation in saying, that any individual who had broken the laws, ought to be punished. But the individuals in this case had broken none but an obsolete law; and people looked upon the revival of that as an attempt to put them down, and felt only hatred at the interference. The people had been driven to their present proceedings by bad laws, and ought to be sympathized with, instead of being subjected to punishment. If the people did err, their errors ought to be viewed with mercy, and not be met in the severest manner the law allowed. He joined with the petitioners in imploring the extension of the Royal clemency to these unfortunate men. He hoped Government would pause, and not rouse the whole of the working people to oppose it. Let the Ministers recollect, that the multitude might be oppressed for a time, but it was impossible to oppress them for ever.

Viscount *Howick* said, as the question would come regularly before the House in a few days when the heads of his Majesty's Government, Members of that House, would be present, and when they would doubtless defend the measures that had been adopted, it was not his intention at the present moment to go into a full discussion of the policy pursued by his Majesty's Government with respect to Trades' Unions, feeling that, in the subordinate situation he occupied, he had no right to do so; but he could not sit in that House and listen to what had fallen from the two hon. Members who had addressed it, without offering a very few remarks. The hon. member for Middlesex had stated very fairly the principle—he had stated, that he regretted that so mistaken an idea should be entertained by the labouring classes, that they could raise their wages by combination. The hon. Member had also said, that as long as they kept within the law, no punishment should take place. He concurred most cordially in that sentiment, thinking that Parliament did that which was no less politic than just, when it repealed those severe statutes against combinations which existed previous to 1825. He considered it the undoubted right of every man to determine for himself on what terms he could part with his labour; and it was not just to withhold from a number of persons, that which was lawful for any one individual. He was content to put the matter on the principles of the hon. Member opposite; but the House and the country must know, that the Unions had not confined themselves to combining to raise wages, but, with the most daring effrontery, they had endeavoured to usurp the rights of others, and had invaded, in the most gross and scandalous manner, the first principles of the rights of industry; they had attacked life and property, in order to prevent other men from selling their labour upon the terms they thought fit. They had set up the tyrannical power of declaring not only for themselves (which they had a right to do), but for others, who did not ask for their interference, at what rate labour should be paid. It was only yesterday that he had seen an account from Huddersfield of a written complaint by two labouring men who had dared to incur the displeasure of the Sovereign Union of that town, because they had endeavoured to obtain employment from masters obnoxious to the Union to support their families. The reason for prohibiting the masters from employing these men was, not that they were bad workmen, or unfit for the trade they professed, but that they had been formerly members of a Committee of Trades' Unions, and had ceased to be so. On account of that, an interdict was laid on the masters from employing them, which, if they broke through, their service would be totally deserted. Now, for the interests of those trades themselves—for the general prosperity of the country—so dangerous a precedent of tyranny should be strongly and firmly resisted. What was the circumstance which caused a distinction between legal and justifiable Unions, and Unions of another description? It was the imposition of an oath, which rendered combinations illegal; and it was by an oath that improper Unions were kept together. No fault could be found with meetings of men assembled on good principles, and manifesting no bad intention; but when secrecy was imposed, and the orders of irresponsible leaders obeyed —when such took place, there was nothing to prevent the power of those leaders from driving their misled followers to any proceedings they chose; for they were protected from detection by the secrecy of an oath, and were implicitly obeyed in every mandate they thought proper to issue. Every one would acknowledge, that such a power should be checked; and the oath that was taken gave that power, and made the important distinction between legal and illegal societies. The hon. Member said, that these men were punished for doing what they did not know to be illegal. He denied that statement. They might be ignorant of the precise Act of Parliament, and of the precise clause under which they were punishable, but they were perfectly aware they were doing what was decidedly wrong, as the circumstances of their meetings being held at night, of the great precaution, and the spies that were set round to give the alarm if any stranger should approach, in order to prevent their proceedings from being known, distinctly proved. These circumstances showed that they knew they were doing what was decidedly wrong. If they meant nothing wrong — if they meant nothing illegal—if they had no dangerous designs —if their objects were legal and justifiable, and intended as a means of obtaining a higher rate of wages, why all this precaution?—why all this concealment? Did not the whole tenor of their conduct prove, that they were perfectly conscious that they were committing an illegal act? If these men knew, that they were acting improperly and illegally, was there ever heard of such a criminal jurisprudence which would say, that because these men knew not the precise Act of Parliament, and the precise clause of that Act, and the precise amount of the penalty to which any breach of it rendered them liable, that therefore they were to escape with impunity? That was a principle which no man would venture to maintain. In punishing these persons, and checking proceedings which might produce such dreadful consequences, the Ministers had adopted a course of true mercy, for there could not be a more injudicious humanity, than to relieve persons from a penalty which they had incurred. These were the first persons who were detected: and Ministers were in hopes that the punishment of them would be a check to the similar dangerous proceedings of others. He knew it was said that these were ignorant and unoffending men, and an appeal had been made to the compassion of the House and the country in their favour. Those who made the assertion, must be totally ignorant of the facts. Those six persons, who were now undergoing punishment, and who were far off on their passage to the land of banishment, were not ignorant persons, who had not the means of knowing the character of the crime of which they were convicted. Two of them had been accustomed to act as Methodist preachers, and therefore could not be such ignorant persons as was pretended. Another of them, it was said, was a man of good character, against whom nothing could be alleged; but for a long time he had been known to be a person of very indifferent habits, and a certificate from the gaoler, that he had been in custody in 1829, having been sentenced for a felony to four months' hard labour, was then in his hand. He believed (and he had reason for doing so) from the papers found on that man, and from information which he had received, that in this instance, very fortunately, it was not the mere deluded instruments who had been reached by the hand of justice, but the ringleaders and instigators of proceedings which were intended to go on, and which, if allowed, would have gone on to the most dreadful extremities. He could not sit down without noticing the allusion of the hon. and gallant Member opposite, to the disturbances in France. It was said, that this ought to teach them that it was not by a course of rigour that they were to put an end to proceedings of this kind. These proceedings taught him, however, a very different lesson from that which the hon. Member had learnt. They taught him, that unless such illegal societies were checked in time, they were likely to grow into power; and then would come what had come in France, a struggle between two classes, and whichever side obtained a victory, a dreadful and lamentable slaughter must take place. He would make but one more observation. He had been informed, that on a former occasion, when he was not present, great complaints had been made of the conduct of his noble friend under whom he served, respecting the manner in which his noble friend had received a deputation on the subject of the sentence passed on these men. He had reason to believe, that what had passed at that interview, had been greatly misrepresented. Lord Melbourne had informed the deputation, that before the sentence on these men should be carried into execution, the petition in their favour should be laid before his Majesty; and it was on that account asserted, that his noble friend had encouraged an idea that hopes of mercy should be extended to them. He could inform the House, that the fact was totally misrepresented. The petition being addressed to his Majesty, his noble friend informed the Deputation, that he would not fail to lay it before his Majesty; and accordingly, within half an hour after it was received, it was presented to the King; but not the slightest hope was held out by his noble friend, that he would recommend the case to the mercy of the Crown. So far was he from doing so, that he informed the Deputation, that however painful it might be to him, it was his duty to advise that the course of justice should not be arrested. With respect to the form of the answer which he (Lord Howick) had returned, by the direction of his noble friend, Lord Melbourne, he could only say, that the ordinary form had been observed, and was misconceived as being no answer at all. Every Gentleman acquainted with the mode of transacting business must be aware, that the form of rejecting a petition to his Majesty was to say, that the Petition had been laid before his Majesty, and that he had suggested no answer. It was necessary to make this explanation, and to offer a few remarks in answer to what had fallen from the two hon. Members who had preceded him, on the subject of these proceedings. If what he had said was not satisfactory, he hoped that the House would not come to any determination on the subject, until they should have heard the explanation of the more experienced and responsible Ministers of the Crown.

Mr. *Feargus O'Connor* said, that the noble Lord had inferred, that the proceedings of these men had led to the intimidation of life and property. Then they should have been tried, as he had stated on a former occasion, under the Act of the 52nd Geo. 3rd, instead of the 37th Geo. 3rd. The former Act went to explain the latter, to which those unfortunate men were not at all amenable, as it had reference merely to persons who incited others to commit murder or treason. The noble Lord had brought it as a charge against these men that they met during the night. It was the only time they could meet. When could persons in the rank of agricultural labourers meet except at night? Admitting that the Judge who tried them was right in his interpretation of the law, he must complain of the mad precipitancy with which the unfortunate men had been hurried from the dock to the hulks. It had often been a subject of complaint that the convicts were kept six and nine months in the gaols, occasioning enormous expense to the country, but in this case the opposite principle had been suddenly acted upon. Were not his Majesty's Ministers bound to listen to the remonstrances of that House? There was much commiseration, he could assure them, abroad at the present moment for these men, and it would compel his Majesty's Ministers sooner or later to yield. It was monstrous, whilst the whole country was commiserating these men, for the noble Lord to come down to that House and tell them, that the men were upon their way out of the country. The Ministers should have recollected that even at the opening of Parliament his Majesty's Speech alluded, in terms of regret, to the agricultural interest; and had there not been meetings of that body in various parts of the country? If all who met for the purpose of taking into consideration the depression of the agricultural interest had been tried, how many hon. Members of that House would be liable to transportation! There was a society called the Society of Odd Fellows, who met and took oaths in secret. How many of those persons should be indicted, if the noble Lord's principle were to hold good! Was it, therefore, prudent or wise of the noble Lord to make the Speech he had done, and enter into the subject with all the ardour of a partisan Judge? The conduct of these men had been indiscreet and imprudent; but it had not been illegal. The noble Lord said, that two of them were Methodist preachers, and, therefore, could not be quite so ignorant of the law as was supposed. But their being Methodist preachers did not make them acquainted with the law. He trusted, that notwithstanding the mad determination of his Majesty's Ministers not to yield to the prayers of the people, or the remonstrances of that House, the House would teach them that they must listen to their remonstrances, and sooner or later the people would compel them to listen to their prayers.

Captain *Curteis* rose to protest against the long discussions which arose on the presentation of petitions, which prevented other Members from bringing forward those petitions with which they were intrusted. With regard to the sentence on the convicted men, he thought the country was under great obligations to his Majesty's Ministers for not remitting it. In that part of Sussex with which he was acquainted, some Unions had been formed, and oaths taken at them; but since the conviction of the men at Dorchester, the labourers had left the Unions.

Mr. *Roebuck* felt he should not do his duty, if he did not say a few words on the petition. He contended, that the convicted men did not commit any illegal act. He referred the House to the words of the Act of Parliament, the 39th of Geo. 3rd, and said, that the species of offence of which they were convicted was not named in it; but, with some trouble, one sentence might be so wrested as to include it, viz., "or to disturb the public peace." There was a case known to every lawyer, "The King *v.* Marks," in which the late Lord Ellenborough refused to admit a party to bail, because he was accused of sedition, and that case had been relied on in the present instance. But there were then Combination-laws, and parties had combined to obstruct their masters, which was an offence, and was for an illegal purpose. Here there was no offence, and no illegal purpose. As to two of the men being preachers, the noble Lord must know, that many ignorant men preached; and, indeed, some of the clergy of the Church of England were very ignorant, and knew not of the existence of such a law. The whole country, and that House itself, knew nothing of it until the case of "The King *v.* Marks" was dug up from obscurity. Many lawyers were ignorant of the existence of the law. Half the profession would say, that the sentence was not legal; and all would acknowledge, that the law was most severely administered. At the cross-examination of one of the witnesses, it was affirmed, that no oath had been tendered; and the Judge took the cross-examination out of the counsel's hands, and asked the witness whether the word "eternity" was not mentioned? The latter acknowledged that it was, and the judge afterwards relied on that in his charge to the Jury, to show that an oath had been taken. The noble Lord, in speaking of the strict legality of the sentence, did not sufficiently consider the circumstances that should mitigate that sentence. Ignorance of the state of the law, if not a palliation of the offence, was a plea for the remission of the punishment. It must, indeed, be stated, that these men were really suffering, not for any crime they had committed, but for the crimes of the whole of the Trades' Unions. It was well to recollect, that the proceedings of Government, in that case, gave those Unions a political character, which they would not otherwise have acquired. They would learn quickly, that they could not raise their wages by combination, and their own interests would teach them to dissolve and desist from their plans. But, now that those men had been so severely punished for forming a Union, they were bound together by a motive of vengeance; and what was to prevent the same disturbance in this country as had taken place in France? Had the Government issued a Proclamation, that such a law existed, and, if it were afterwards violated, had carried the sentence into execution, it would have been perfectly justifiable. But he was prepared at present to impugn—first, the manner in which the trial was conducted by the Judge; and next, the legality of the sentence.

Sir *Matthew White Ridley* admitted, that the question brought before the House by the petition was one of great importance. The arguments used against Government were proofs, in his opinion, that the Act was necessary, and that, probably, it had saved many other unfortunate men from falling into the same snare. The Unions were now well aware of the illegality of their proceedings, and were so from the very first. But, supposing the case had not been properly judged, and the law of the land had been misinterpreted (which he would not admit to be the case), this was not the place to discuss that subject. He could not say that he was a lawyer, but he had read and endeavoured to make up his mind upon the case, and he did think, if there was ever a point of law, or a case more clear than another, it was this; and he thought the opinion of the learned Judge perfectly consonant with the spirit and letter of the statute. The determination of the Government he considered an act of mercy, and they had no other course to pursue in regard to those interests which they were bound to protect, for they must not slink from the exercise of the law. He, for one, protested against the doctrines of the hon. member for Bath, and publicly thanked the Government for their conduct in this business.

Colonel *Evans* observed, that the hon. Baronet, in saying, that the House of Commons was not the proper place for discussing the question of law upon the case, had thrown a greater slur upon the Government than any previous speaker. It was by a side-wind blaming the Government most severely for the haste they had displayed in sending these unfortunate men out of the country—such a haste as was not the usual way of dealing with persons sentenced to transportation. The sting of the thing was this, that, as he had understood from the hon. and learned Gentleman who had preceded him, the legality of the conviction could not be brought before the King's-Bench in the absence of the men. He really was at a loss to understand the speech of the noble Lord; he could scarcely think it was intended to be a serious speech. He said, that one of the men was a previously convicted felon, and that two more of them were Methodist preachers. Well, be it so; but then there were three who belonged to neither class. Further, he would observe, that the convicted felon had suffered his punishment, and he was yet to learn, that, because men were Methodist preachers, they were to be punished more severely than any other person convicted of an offence. He was decidedly of opinion, that the example would have been quite as sufficient if the men had been sentenced to two months' imprisonment, as to seven years' transportation.

Viscount *Howick* had never said, that the men had been punished more severely because they were preachers, than they otherwise would have been. He respected the Methodists, as he knew but for them it would have been impossible to have carried the Slavery question. He said, that they were Methodist preachers, merely to to show that they were not such ignorant men as they were represented to be, and that they knew well the nature of the matter they were engaged in.

Mr. *Finch* was convinced, that nothing could be more detrimental to the best interests of the country, or more dangerous to the constitution, than Trades' Unions. He was also informed, that the Magistrates of Dorsetshire had published hand-bills, which were distributed throughout the country, stating that such oaths were illegal. He thought, however, that the sentence having been passed, the Government might have mitigated it, as the people had been led to believe, that there was no law against combinations, since the repeal of those known as the Combination-laws. The question was not whether the House were to interfere with the sentence of the Judges, but whether Ministers were to be subject to reprehension in the House, for not having interposed the mercy of the Crown between that sentence and its execution. He certainly thought, that the unfortunate individuals in question had been hardly dealt with; for though some of them were persons of bad character, they had not the slightest idea that the offence they had been guilty of could be brought within the range of an Act of Parliament, or that they subjected themselves to transportation; while he thought Ministers had not acted prudently, he believed they had been actuated by the best of motives; and he was glad to see, after having invaded rights of a much more sacred description than those referred to, they were returning to a sound policy.

Mr. *George F. Young* believed, that the conviction was legal, and deeply regretted that the violent and intemperate conduct of those who pretended to be friends of the unfortunate individuals, had placed his Majesty's Ministers in such a situation as rendered it imperative upon them to carry the sentence into effect.

Mr. *Aglionby* was anxious to defend the learned Judge who had sentenced those unhappy men; he had known that Judge for many years, and no one deserved the name of cold-hearted and cruel less than he did, though both those epithets had been applied to him, and his humanity was questioned, in consequence of his having passed so rigid a sentence. The law left no discretion to the Judge; no less a term than seven years could be mentioned in the sentence. He was sure, that, if it had been possible, consistently with the law, to reduce the punishment, the Judge, prompted by his own feelings of clemency, would have done so.

The Petition was laid on the Table.

ORDER OF THE BATH.] The House, on the Motion of Mr. Secretary Stanley, resolved itself into a Commitee on the Message from the King respecting the fees, &c., paid on the admission of Knights to the Military Order of the Bath.

The Chairman read the Message—for which see *ante* p. 872.

Mr. Secretary *Stanley* said, that the Resolution which he had to submit to the House, was one to which he did not anticipate much objection, and which would occupy very little of the time of the House. In the year 1814, a considerable augmentation was made in the number of Knights of the Order of the Bath, and at the same time, the Order was divided into three classes. One of the classes was to consist of a very great number of officers, and from that period to the present, no new regulations had been made to govern the Order, or to limit the number of members. His Majesty had been advised to consider the propriety of establishing new Statutes for the government of the Order of the Bath, so as to regulate the number of members of each of the several classes, and to prevent the extension of the Order to such a degree, that the conferring it would become less a mark of distinction than of degradation; for, he might be permitted to observe, that if the number of each class should be increased to an indefinite extent, the exception, and not the rule, would become the source to which the public would look; and being decorated with the Order, would cease to be considered as the reward of honourable service. In consequence of the changes in the Order to which he had alluded, it had become necessary to make some changes in the Statutes, which did not equally apply to the three classes. His Majesty had, therefore, been induced to hold a Chapter of the Order to consider the subject. It was judged on a late occasion by many Members of that House, that military and naval officers who received this high Military Order should be exempted from the payment of fees, which on many occasions were felt to be very burthensome, and the imposition of which was of no use whatever. It was on this ground, therefore, that his Majesty was induced to direct that all officers who should hereafter have the hon. Military Order of the Bath conferred on them, should be exempted from the payment of all fees on the occasion. The House, perhaps, was not aware of the extent of the burthen on officers who were not possessed of great wealth. The burthen was so great that the payment of fees became a matter of very serious consideration. The amount thus received was distributed partly to the officers of the Order, partly to the officers of the Lord Chamberlain, partly to the officers of the Lord High Marshal, and partly in a miscellaneous manner. For instance, he found that there was a fee of 6*l.* to the King's barber. He would ask whether anything could be more ridiculous or unnecessary? The amount of fees paid on admission to the Order was not less than 300*l.* He need hardly say, that the payment of such a sum must be extremely inconvenient to many deserving officers who had this mark of distinction conferred on them. The officers of the Order were nine in number, with salaries amounting to 550*l.*, charged on the Civil-list; and, besides their salaries they obtained about 250*l.* a-year in fees from those upon whom he believed nobody conceived the charge should fall. The fees of all foreigners upon whom the distinction was conferred were paid by the Treasury. Of course the amount of these fees would vary, but he believed the average was 250*l.* It was intended to reduce the number of officers of the Order from nine to four, which would make the charge less. It was proposed also, to do away altogether with the fees now paid; but as many of the persons holding these offices received the fees by patent, it was necessary that some previous steps should be taken, before the fees could be got rid of. When it was found that a great public object could not be gained without depriving the holders of patent places of the remuneration they received, he thought that no one would deny, that compensation should be made to the persons holding such places. It was for that purpose he proposed, that inquiry should be made by the Commissioners of the Treasury into the amount of the fees, and into the rights by which such fees were claimed, and that they should be authorized to award such compensation as seemed meet for the loss of the fees. It was for that purpose he intended to introduce a Bill. He should move a Resolution, upon which, if the Committee assented to it, such a measure would be founded. The right hon. Gentleman concluded by handing the following Resolution to the Chairman:—"That it is the opinion of this Committee, that the Commissioners of his Majesty's Treasury be authorized to make compensation, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, to such officers of the Military Order of the Bath as shall be deprived of salaries and fees to which they are entitled under the existing Regulations and the Statutes."

Mr. *Hume* said, that of all the various Motions that had been submitted to the House since he had been a Member, not one had given him greater surprise than the Motion of the right hon. Gentleman. The fees paid by the Knights of the Bath were large, but they were not the sort of fees he was desirous to get rid of in the manner proposed by the right hon. Gentleman. He certainly did not intend to give compensation for the fees paid by the Knights of the Bath, or Peers, when he expressed a general acquiescence in the removal of fees and the payment of officers receiving them, by salaries. He admitted, that the payment of these fees was objectionable, but the nation ought not to be called upon to give compensation in such cases as this. At present, the charges in the shape of fees, on officers appointed to situations in the colonies, were enormous. He found, from a statement on the Table of the House, that Sir George Hill, when he was appointed to the Governorship of St. Vincent, had actually to pay fees on his appointment, before he could go abroad, to the enormous amount of 520*l.* Sir Lewis Grant had to pay fees on his appointment to the Governorship of a colony in the West Indies, to the amount of 440*l.* Sir Lionel Smith, when he was examined before a Committee up-stairs, said, that he merely desired to remain in his office in the colonies till he could recover the fees which he had paid on his appointment, which amounted to 516*l.* He was most anxious that all such fees should at once be got rid of. He agreed, that it was objectionable that meritorious officers should be called upon to pay large fees upon their being made Knights of the Bath; but he did not think that the House should be called upon to interfere in the matter. If the fees were to be got rid of, and it was deemed desirable to grant compensation to the persons now receiving them, surely the resources of the Crown were enough for that purpose, without coming to that House. It rested with his Majesty to make alterations in the Statutes of the Order of the Bath; and the matter was not in any way connected with that House. These Orders of Knighthood might be very necessary appendages to royalty, but he thought, that it would be extremely improper for the House to take any steps or interfere respecting them. When he objected to fees to the amount of between 500*l.* or 600*l.* being charged on the warrant of a Knight of the Bath, he never thought that an attempt would be made to throw the charge on the country. It appeared that foreigners were not charged with the fees, and he found among the Knights of the Bath, the names of the Prince of Orange, the late King of Spain, and Don Miguel. The Order of the Bath might be considered as an Order of Merit, but when it was conferred on such persons as were hinted at by the right hon. Gentleman, it might become any other than an Order of Merit.

Mr. Secretary *Stanley* declared, that he had said nothing of the kind. What he had said was, that the Order might be conferred to such an extent, that it might become a mark of degradation instead of distinction. It was to avoid that, that his Majesty proposed to make a change in the Statutes of the Order.

Mr. *Hume* did not perceive how he had misrepresented the right hon. Gentleman. He (Mr. Hume) was as anxious as any Member that the Order of the Bath should be one of honorary distinction, and that those who had it conferred on them should not be heavily taxed. The charge for their fees, however, should not be thrown on the nation. He found that the public did pay the fees on creating a gallant Admiral a Knight of the Bath; and he did not object to its being conferred on that gallant Officer, who had greatly distinguished himself; and he was sure, that the proceeding had met with the general approbation of the country. He found the fees charged amounted to 556*l.* and of this sum 166*l.* was paid back to the public purse for stamps. The remainder was distributed in fees amongst a number of officers. For instance, he found that 5*l.* was paid to the Herald. Any one might suppose that this went to some poor man. But, he would ask, whether it was not paid to the Duke of Norfolk? Ingenuity, for ages, seemed to have been exerted, to devise means of getting money in this shape of fees, from the pockets of the people. He had paid much attention to the subject for years, and he was constantly finding charges in the shape of fees, of which, previously, he knew nothing. There should be a searching inquiry into the fees charged in all public offices, with a view to see whether such patent offices, as they were called, should be allowed to continue. He was of opinion, that no patent office was beyond the reach of the House, and that the King could not have the right to authorize persons to make charges in the shape of fees, without the permission of the House. It was at present merely sufficient for the King to sign a piece of paper or parchment, to authorize a person to make a charge in the shape of fees. This was, in point of fact, saying that the King was entitled to tax the people without permission of the House. The whole matter ought to be investigated before a Committee up-stairs, and the Reformed House of Commons would not do its duty if it did not proceed to put a stop to all proceedings of the kind. Many of those things were new to him. Only a few days ago, he discovered that there had been a grant from the King of a charge on bills of entry, in the shape of fees, which amounted to the sum of 11,000*l.* a-year, for the last ten years. There was a salary paid out of this of 1,000*l.* a-year, and the rest went to some charitable fund in the Custom House. He had heard of the bills of entry, and was anxious to get some information on the subject, but he had been unable to do so for many years, notwithstanding all his exertions. A short time ago, on asking a question of a witness examined before the Committee on Lighthouses, he found out the nature of the charge. He asked why such a large charge was made in the entry roll office at the Customs, and was told that it could not be done for less, because it was a patent office. There was a charge of 6*l.* where there ought not to be a charge of 1*l.* That, and many other matters of the kind ought to be looked into, and the right by which fees were exacted should be investigated in every case. But to return to the question. He had no wish to interfere with his Majesty in making as many Dukes, Marquesses, Earls, Barons, or Knights of the Bath, as he pleased, but as the House had nothing to say in the matter, he thought that they ought to let his Majesty do it at his own expense. The people, in many districts, were almost starving, and he protested against any charge of such a nature as that proposed by the right hon. Gentleman being thrown on them. Let not the people of England be taxed for the purpose of paying these fees, but let them be paid out of the noble income allowed by the country to the King. He could not help observing, that it was rather a singular circumstance that, although England was a civil country distinguished from the military despotisms of the Continent, yet all the honorary distinctions, with very few exceptions, went to military and naval officers. There was no Order of Knighthood in this country for men of great genius, or those who distinguished themselves by their intellectual acquirements. If it was thought desirable to confer a marked distinction on men of eminence, either in science or literature, it was necessary to go to the Guelphic Order: so that, in point of fact, we must go to Hanover for a means of rewarding the merit of our distinguished men. Every person visiting the Continent must know, that the King of Prussia rewarded men of literary or scientific attainments in this way. So it was with other sovereigns on the Continent. There was, however, nothing of the kind in England, and yet England was quite as proud of her arts as her arms. He objected to leaving the question of compensation to officers of the Treasury, who were under influence from behind the curtain. Experience should teach the House that the paying compensation had been carried to an improper extent, and it was this, amongst other things,that had reduced the country to its present state. On that account, he thought that the House ought not to consent to the Motion without inquiry, and not inquiry of an isolated nature, but into all matters in which the public was called upon to contribute a single farthing in the shape of compensation. Last year, before compensation was granted to the Officers of the Court of Chancery, inquiry was made before a Committee, and there could be no reason why it should not be done in the present case. The hon. Member concluded with moving that his Majesty's Message be referred to a Select Committee to report on the same.

The *Chairman* remarked, that the Amendment could not be entertained, as a Committee of the whole House could not refer a matter to a Select Committee.

Mr. *Hume* would then move, that the Chairman report progress, and said, if his Motion were agreed to, he should propose that the subject be referred to a Select Committee.

Sir *Samuel Whalley* supported the Amendment. He thought that when such ridiculous fees as that paid to the King's barber was exacted, it was tolerably clear that other fees stood on similar grounds. He was of opinion that inquiry was necessary, not only for the relief of the persons upon whom the distinction was conferred, but also in justice to his Majesty. He wished it, however, to be understood, that he did not contend that those who had possession of certain offices to which privileges were attached, might be deprived of them without compensation.

Mr. *Stanley* was much surprised at some of the observations he had heard from the hon. member for Middlesex. He felt bound to say, that the objections urged held out no very great inducement to come forward with propositions to make reductions in fees which were, at the same time, burdensome to the public, and objectionable in their nature. The hon. member for Middlesex objected to the payment of fees altogether. It was very possible that, in many cases, payment, by means of fees, was not desirable. He thought that the present was one of those cases, and in abolishing the fees, at the same time asking for compensation to those who had a just right to receive them, he believed that he was only acting in conformity to the wishes of the House. The Government proposed to do away with some fees that had existed since the institution of the Order in 1399. The fees were not arbitrary, nor were they changed at the will of the Sovereign; on the contrary, the regulations concerning them had not been changed since 1725. Ministers proposed that the fees should cease altogether, but it should be recollected that the fees were granted by patent, and for life, to the holders of the offices; and he was sure that the Members of that House would never consent to sanction a violation of property. Such would be the case if they abolished the fees without granting compensation. The hon. member for Middlesex complained that, while there were so many military and naval Knights of the Order, there were very few civilians who had had that mark of distinction conferred upon them. The hon. Gentleman might have looked round the House, and have seen, at least, one distinguished instance, to show, that the Order of the Bath was not withheld from those who distinguished themselves for their civil services. With respect, however, to the naval and military officers who had fought the battles of the country, and who had merited the distinction of having the Order of the Bath conferred on them, he would remind the House, that their fortunes were, generally speaking, not very large, nor were they well able to pay large sums in the shape of fees. If the House were anxious to get rid of those fees, he called upon them to do so consistently with justice. He asked the House to allow an inquiry into the nature of these fees; by what tenure they were held, and by what right they were demanded; and to such officers as had a permanent interest in the fees, he proposed to give compensation; and to such as had no just title, no remuneration would be given. All that he asked was, that the sum charged by custom should be inquired into, and where it was the opinion of his Majesty's Treasury that there was no necessity for compensation, none would be given; but where a just claim was established, that it should be granted. The hon. Gentleman alluded to the fees charged in the Earl Marshal's Office, and observed, that it might be supposed that that officer was a poor man. But these fees were not paid to that officer, but, probably, formed part of the salary of some inferior officer. It was also probable that a part was paid to the fee-fund of the country. The hon. Gentleman objected to the matter being referred to the judgment of the Treasury. As far as he was concerned, he should have no hesitation in referring the matter to a Committee of the House of Commons. He was perfectly satisfied that it would be clear to such a Committee that there were fees that could not be taken away without doing injustice to the persons receiving them. The question was then simply this, whether they would make the officers pay their fees, or whether the House would allow some few hundreds a-year to be charged on the country for that purpose? That was the whole object of the Message that had been sent down by the Crown, and it would be a most ungracious mode of proceeding to report progress and return no answer to the Crown. He was sure that the House would not sanction such a mode of proceeding.

Sir *Edward Codrington* felt himself interested in the subject, and trusted he might be allowed to make a few observations. He hoped that no Amendment would be allowed to interfere with the benevolent object that his Majesty had in view in sending that Message down to the House. He recollected when the bill of fees was originally sent into him, on his being made a Military Grand Cross, he was quite shocked at seeing its amount. It did not, however, give him much pain, as he was determined never to pay one farthing of it; and had continued obstinate in his refusal. The officers in question used very gracious language, but it had no effect. He thought that the demanding fees for conferring a distinction of this nature was very like buying something of equivalent value. When he received the bill he sent it to the First Lord of the Admiralty, who said, that it was very hard on him, but, he replied, not in the least, as he had made up his mind not to pay a farthing of it. He was told that fees were regulated by an Order in Council, and that he must pay them, but he had declared that he had nothing to do with the Order, and he would not pay the fees. He did not ask for the distinction, and he would not pay a single shilling for it. He wished every officer had done the same thing. He found in the bill sent into him a charge of 122*l.* for fees to the King's Household. What patent right had the King's servants to such a demand? That portion of the fees might, at once, be got rid of. He admitted, that some few persons might have fair claims for compensation, and those he might be willing to recompense, but the King's Household could have no such claims. There could be no justifiable grounds for calling on officers on whom this honour had been conferred, to pay such fees; at the end of the late war a great number of officers had this honour conferred on them, and then being called on to pay such exorbitant fees, they all went to the levee at Court, and left their bills on the table for the King to pay them as he pleased. They never paid a farthing of them. So far from disapproving of this Motion, he thought that it should meet with encouragement as a good beginning. The bill furnished to him was dated in 1830, three years after the honour had been conferred upon him, and he would read it to the House. It was as follows:—Secretary of State, 16*l.* 17*s.* 6*d.*; seven officers of the Order, 164*l.* 17*s.* 2*d.*; King's Household, 122*l.* 2*s.*; the Lord Chamberlain's Office, 26*l.* 14*s.* 6*d.*; College of Arms, for Supporters, 55*l.* 16*s.*; making a total of 386*l.* 7*s.* 2*d.* He repeated, that he told the First Lord of the Admiralty that he would never pay a farthing of it. Some time after this, his Lordship sent to him to say that he would hear no more of it. All other officers ought to have done the same

Colonel *Davies* said, that the public were greatly indebted to the gallant Officer for the statement he had just made. He had shown, by that statement, that there existed no right or claim whatever to demand those fees. The bill, as he understood, was intended to submit those claims to the investigation of the officers of his

Majesty's Treasury. He entertained every respect for those public officers, but he should most unquestionably prefer that, involving, as it did, a question of public expenditure, the investigation should take place before a Committee up-stairs. Under all the circumstances, however, he hoped his hon. friend, the member for Middlesex, would postpone his Motion for the present, but give notice of his intention after the second reading of the Bill, to move, that it be referred to a Select Committee of the House.

Mr. *O'Connell* conceived, that the first step was to ascertain whether there existed, on the part of any of the officers of the order, any legal claim to remuneration. It would appear, from what had been stated by the hon. and gallant Admiral opposite, that no legal claim to fees or salaries existed.

Mr. *Stanley* remarked, that in the instance alluded to, there could be very little doubt that the distinguished officer had received the order for meritorious services.

Mr. *O'Connell* said, the hon. and gallant Admiral had said much more—namely, that many officers having received the orders at the end of the war, had left, at the levee which they had attended, the bills for their fees upon the King's table.

Sir *Robert Peel* was of opinion, that all military and naval officers upon whom the Order of the Bath might be conferred for their services, ought to be exempted from the payment of any fees. He, at the same time, thought that, both on the principle of equity, as well as the uniform practice of the House, any officers of that Order who had any legal claims to fees or emoluments, should be indemnified for any loss arising from their abolition. He did not remember the precise terms of the Motion before the House, but if its design were to relieve meritorious officers from the payment of fees on receiving the distinction in question, and, at the same time, to indemnify those who held patent offices, he could not see any objection to its adoption. Of course, the legality of the claims to fees, &c., must be established; and he doubted whether the public departments could not make that and every similar inquiry, more efficiently than a Select Committee of the House itself. He rose, however, on the present occasion, for the purpose of noticing a suggestion thrown out by the hon. member for Middlesex, which had quite as much surprised him as it had the right hon. Gentleman, the Secretary for the Colonies. The hon. Member had suggested the propriety of instituting a new Order, for the purpose of rewarding literary and scientific men. The prerogative was already vested in the Crown to confer honours upon persons distinguished for their high literary and scientific attainments, and that power had recently been exercised by the conferring distinctions upon individuals of various professions. The establishment of a new Order would depreciate the honours which it was at present in the power of the Crown to confer, and was not in the least calculated to raise the character of this country for literary and scientific acquirements. The hon. member for Middlesex could not think, that it was essential to the character of Sir Isaac Newton, that he should have appeared in a blue or red riband, or worn the star of any Order. If such an Order were established as that suggested by the hon. Member, it was not improbable many hon. Members of that House might lay claim to such a reward for their public services. An Order of the nature proposed would but ill accord with the English character and with the elevated character of science, which it would only tend to make ridiculous. There was a clear distinction to be drawn between meritorious military and naval services, and literary and scientific acquirements. He hoped and trusted the suggestion of the hon. member for Middlesex would never be carried into effect.

Mr. *Warburton* was opposed to an indiscriminate distribution of honorary distinctions or Orders, whether new or old, and thought, that the dignity of literary and scientific pursuits could not be heightened by such honours. He thought the suggestion of his hon. friend, the member for Middlesex, had been misunstood. His hon. friend did not oppose the principle of compensation in cases where a good title could be proved, but he claimed an inquiry into the legality of that title, and that investigation he concurred in thinking, ought to be had before a Select Committee of the House, rather than be made by the Treasury. Every precedent was in favour of the former course; and, as one instance, he was content to allude to the case of Sir Abraham Bradley King, to whom the compensation awarded by the Treasury was pronounced by a Committee of the House to have been made without a legal claim. It was true, that decision had been reversed by a Bill subsequently introduced for the purpose of awarding compensation to that gentleman, and the measure passed, not on the grounds of a legal claim, but the peculiar hardship of the individual case.

Mr. Secretary *Stanley* thought, that very little, if any, difference of opinion seemed to prevail on the question really before the House. It had never been intended to grant compensation to individuals not legally entitled; and if it should be thought fit, when the Bill was introduced, to refer it to a Select Committee, that was to him a matter of perfect indifference. At the same time, he concurred with the right hon. Baronet (the member for Tamworth) in the opinion, that the inquiry as to claims for compensation would be likely to be more efficiently and satisfactorily made by the Treasury than by a Committee of that House. In answer to the precedent quoted by the hon. member for Bridport, he begged to state, that the claims for compensation on the abolition of their respective offices by the Commissioners for Hackney-coaches, and for Hawkers and Pedlars' Licences, had been referred to the Treasury, and not investigated before a Committee of the House.

Sir *Henry Hardinge* concurred in thinking, that a reference of the subject to the officers of the Treasury was preferable to the investigation being held before a Select Committee. He could not avoid expressing his opinion, that the profuse distribution of honorary distinctions recently made, had much deteriorated the value and importance of such distinctions. Honours should be conferred with a most sparing hand, if they were to be preserved in great value. After the peace of Amiens, the First Consul conferred so many dignities, that General Moreau had said, in ridicule of the profusion of titles that were then flying on every side, that he would grant one to his cook. On the cook serving upon one occasion a dinner which pleased the general, he was summoned to the dining-parlour, and there, before all the guests, he was invested with a saucepan of honour. He was satisfied a restriction in the distribution would make these honours more highly estimated and appreciated, both by military and naval officers.

Mr. *Cutlar Fergusson* contended, that no compensation whatever ought to be given without the consent of the House. Inquiry was necessary, for it appeared, that formerly the whole amount of fees did not exceed 120*l.*, while, at present, they amounted to 1,200*l.* annually; owing, probably, to the increased number of honorary distinctions. He conceived the system was one of extortion, and compensation would be only shifting that extortion from the backs of gallant officers to whom honours were granted, to the shoulders of the public. He was anxious to relieve meritorious officers receiving the Order of the Bath, from the payment of any fees, and was also willing to grant compensation to such individuals as could make out a legal claim to it. After what had fallen from the right hon. Secretary for the Colonies, however, he was induced to hope, that his hon. friend, the member for Middlesex, would be satisfied, it being understood, that the compensation should be granted by the House alone.

Mr. *Jervis* objected to the fees, or compensation for fees, being added to the burthens of the people, and the more so because the amount of that compensation had not yet been ascertained. He was of opinion, that instead of compensation being granted, it would be much cheaper to pay the fees upon any creations which might take place, and that when the individuals holding patent rights should die off, a new system should then be adopted.

Mr. *Hume* said, that it mattered not to him whether or not the Bill should be referred to a Committee, before or after it had been read a second time. Under such an arrangement, he could not object to the principle of the resolution proposed by the right hon. Gentleman opposite (Mr. Stanley). He would withdraw his opposition to the measure, on the understanding that in some stage it should be referred to a Select Committee.

The Resolution was agreed to, and the House resumed.

SALARY OF THE CHIEF JUSTICE.] Mr. *Spring Rice* moved the order of the day for the House resolving itself into a Committee of Supply.

Sir *Robert Peel* said, that, in answer to a question he had put on a former occasion, as to the grounds or authority upon which a reduction in the salary of the Lord Chief Justice of the Court of King's Bench had been made, he had been informed it had been made under a clause in a recent act of Parliament. He had referred to the Statute-book, but could not find any such provision; on the contrary, he had found in the Civil List Act of 1832, which provided for the payment of the salaries and allowances to high official functionaries, that the salaries of the Judges of England, appointed before a certain time, in the act specified, was fixed at 5,500*l.*; and if appointed after that period, at 5,000*l.* per annum. The act also fixed the salary of the Chancellor of Ireland at 8,000*l.*, and most distinctly provided, that the salary of the Chief Justice of the Court of King's Bench in England should be 10,000*l.* per annum. It was most inexpedient that any functionary having a right to a judicial salary, should waive that right; indeed, he felt satisfied that nothing short of an act of Parliament ought to deprive a high public officer of his full salary. He should be glad to have an answer given to the question.

Mr. *Spring Rice* said, that if the right hon. Baronet would repeat his inquiry on Monday, he would be prepared to refer him to the clause under which the reduction had been made. The clause not only existed, but had been very fully considered, though, looking only at the act referred to, the right hon. Baronet's view was perfectly correct.

Sir *Robert Peel* had always understood, that the salary of the Chief Justice of England had been fixed by law at 10,000*l.* per annum; and he certainly thought, that no other authority than the law should alter it. On the assurance, that the reduction was according to law, and that the law should be pointed out to him, he was satisfied.

The House went into a—

COMMITTEE OF SUPPLY—MISCELLANEOUS ESTIMATES.] After several Votes relative to the Civil Service of the Colonies had been agreed to, it was proposed, that the sum of 1,457*l.* 15*s.* should be granted for the salaries of Emigration Agents.

Mr. Secretary *Stanley:* as this was a new item of expenditure, felt it necessary to explain the circumstances under which it was proposed. In the course of last year, communications were made from the town of Liverpool setting forth the frauds which were practised on poor people who, being desirous of emigrating, were induced to come over from Ireland to that town, and take their passage in ships which were represented as being about to sail immediately, but which frequently did not leave the port till several months after; and, in the mean time, the means of these poor persons being exhausted, they were left either to starve or to be supported by the parish in which they might happen to be placed. In consequence of the extent to which this grievance had been carried, he last year tried the experiment of sending an agent to Liverpool, to watch over the interests of persons desirous of emigrating, and, from all parties, from the people of Liverpool, and from emigrants themselves, he had received the most gratifying testimonies of the benefit which had resulted from that proceeding. Since the appointment of this officer no less than 15,000 persons had come under his supervision. His duties were to receive applications from emigrants, to give them advice as to the course which they should pursue, to see that no frauds were practised on them; and, if the provisions of the law were not complied with by the merchants, to direct the emigrants to the quarters in which they could obtain redress. The officer at Liverpool had, by his exertions, succeeded in putting an end to a long train of abuses, and in putting the trade on a more respectable footing than it had ever stood upon before. The officer was a lieutenant of the navy, and his salary was 100*l.*, and 50*l.* for expenses. Encouraged by the success which had attended the experiment at Liverpool, he (Mr. Stanley), had sent notice to the sea-ports of the kingdom from which persons usually emigrated, that he would appoint agents if they would afford the same facilities which had been offered by Liverpool, and to all ports which acceded to that proposition agents had been sent. The ports at which emigration agents were at present established, were Liverpool, Bristol, Dublin, Belfast, Cork, Limerick, Greenock. Persons desirous of emigrating had nothing to do but to write to one of these officers; and letters might be addressed to "the Government Emigration Agent," without stating the name of the officer, and every information would be furnished them with respect to the sailing of vessels, so that they need not stir from their homes until just in sufficient time to reach the port and embark. The small annual expense which the country would incur in consequence of this new establishment would be ten-thousand-fold repaid by the effect which it would have in assisting the progress of spontaneous emigration.

Lord *Sandon* bore testimony to the advantages which had resulted from the establishment of the emigration agent at Liverpool.

Mr. *Hume* thought, that no money had been voted for the last ten years for so useful a purpose as that now asked for. He approved also of the appointment of naval officers to fill the situation of emigration agents; they were a deserving and useful class of men. He would suggest to the right hon. Gentleman, that there was no place in the kingdom where an emigration agent was more wanted than in London. Every week he received a great number of letters and applications from persons wishing to emigrate. He mentioned this, in order to show the anxiety of the public to obtain information on the subject. There could be no doubt that the Corporation of London would afford every facility to the establishment of an agent.

The Vote agreed to.

SUPPLY—IRISH ESTIMATES.] Mr. *Spring Rice* said, he was now about to propose the Irish Estimates; and here he apprehended that he should have to meet the objections of two sets of antagonists—one complaining that he had carried reduction too far, and the other that he had not proceeded with it far enough. It was, however, gratifying to him to be able to state, that since he had been in office, he had effected a reduction in those estimates to the extent of 104,000*l.*, without, he believed, sacrificing any portion of the real interests of Ireland. Would any Irish Member say, that it was necessary to maintain the Protestant charter schools or the Foundling Hospital? [" *Yes.*"] An hon. Member said "yes," but he was prepared to contend that it was both immoral and impolitic to encourage such a gross abuse, and such a shameful waste of the public money. It was his intention to propose a reduced vote for the Foundling Hospital for the present year, with the view of abolishing it altogether hereafter. There was one vote in the present Estimates for which the present Government were peculiarly responsible,—namely, that relating to education. Never had an experiment more fully justified the hopes of those who ventured upon it than the new plan of education, which had been found to do justice to all classes of the people. From the evidence before Parliament it was clear, that the new system had triumphed over two objections which had been made to it,—one, that it was impracticable, and that the people of Ireland would not avail themselves of it; and the other, that it was vicious in principle, because it separated civil education from religious duty. So far from the plan having been found to be impracticable, the vote to be proposed upon the present occasion was insufficient to meet the demands for assistance towards the establishment of schools; and it was a matter for consideration with the Government whether, even in the present year, they should not apply for a larger sum. There was one vote in these Estimates which he should propose with great satisfaction—namely, 2,000*l.* for the Belfast institution. It was well known, that this excellent institution had, for a number of years, been supported almost entirely by voluntary subscriptions, upwards of 30,000*l.* having been collected for this purpose from the friends of education in Belfast. Some new lecture-rooms were about to be built, which would cost 4,000*l.*, of which 2,000*l.* had been subscribed, and the vote for 2,000*l.*, contained in the present Estimates, was intended to cover the deficiency. The right hon. Gentleman concluded with moving, that the sum of 20,000*l.* be granted to enable the Lord-lieutenant of Ireland to issue money for the advancement of education in that country.

The Vote agreed to.

It having been proposed, that 18,998*l.* should be granted for the support of the Foundling Hospital in Dublin,

Mr. *Ruthven* regretted that this grant should be reduced, as Ireland was not in a situation, as England was, to support such an institution from its own resources.

Mr. *French* would remind the House of what had been stated by the hon. and learned Member, the Recorder of Dublin,—that the crime of infanticide had increased since the grant to this institution had been reduced.

Mr. *Spring Rice* said, that the returns and inquiries which had been made on the subject would lead to a different conclusion; but even if some slight increase of infanticide had been the result, that would not justify the Legislature in supporting such an institution by grants of public money. It had been placed beyond all doubt by the inquiries which had been made on the subject, that the institution had not answered its intended object. It had neither contributed to preserve physical life, nor to improve public morals; and if so, he did not see why the Legislature should continue to expend large sums of the public money upon it. The whole of the sums which had been voted to that establishment amounted to not less than 1,200,000*l.*,—a grant for which, he was sure, no man in the present day would be found to hold up his hand.

The Vote was agreed to.

The next Vote was for a sum, not exceeding 20,000*l.*, to the House of Industry, Dublin, the Lunatic Department, and the three General Hospitals attached.

Mr. *Hume* said, there were parts of this sum, the application of which he could not approve,—he meant that which was for the support of paupers in that House of Industry; for he did not see, why the people of England should be called upon to maintain the paupers of Ireland. He thought the House should consider, whether this part of the grant (about 6,000*l.*) should not be deducted from the vote. The paupers of Dublin would then be driven to claims on their parishes, which ought to support them, rather than cast them on the people of England.

Mr. *Spring Rice* would not defend the general principle of Parliamentary grants for the support of paupers; but the grant had been made for some time, and he did not see that it would be fair to withdraw it at present, when a change in the law with respect to the poor in Ireland was in contemplation. It would be hardly fair to leave those aged and feeble paupers, who had been hitherto relieved by this grant, in a state of destitution, until some general change was made in the law relating to the poor.

Mr. *Edward S. Ruthven* thought, that the paltry sum which was voted in this way was much better bestowed than the much larger sums paid out of the public money for the purchase of pictures. He did not see, why those paupers had not a fair claim to some assistance out of the public money as well as those of England.

Mr. *Hume* could not concur in that view of the question. The poor of England were not supported out of the public purse. They were supported from a private tax raised on the people, independently of these contributions to the public purse; and it was too much, that, when they supported their own poor, they should be called upon to contribute, out of the public purse, to maintain the poor of Ireland. He agreed with his right hon. friend (Mr. Spring Rice), that, pending the inquiry now going on as to the state of poor in Ireland, it would be hard to withdraw this grant; but this led him to ask, when they might expect the Report of the Commissioners; for, as a change was about to be made with respect to the Poor-laws in England, it was time to expect that something on the subject of the poor should be done in Ireland.

Mr. *Baldwin* was sure, that, when the hon. member for Middlesex considered the large sums of money drawn yearly from Ireland to be spent in this country,—and for which Ireland got no equivalent,—his humanity would prompt him not to grudge such a paltry pittance as was included in the vote, for the aid of a few aged and infirm poor in Dublin, who were, be it observed, chiefly maintained,—not by this sum, for it was wholly inadequate,—but by local contributions.

Mr. *Littleton*, in answer to the question of his hon. friend, the member for Middlesex, said, that he had reason to believe, it would be impossible to expect the Report in the present Session; but it would be ready in the next. There were not the same facilities for carrying on the inquiry in Ireland as existed in England. The Report, however, would be ready as soon as possible; and from the zeal and diligence of the Commissioners, he was sure that, when it was prepared, it would give satisfaction to the public.

The vote was agreed to.

College of Maynooth.] Mr. *Sinclair* had not expected, that this vote would have been brought on this evening, which, as he understood, was to have been devoted to the discussion upon Irish tithes; and he regretted the consequent absence of his hon. friend, the member for Oxford, and others, who felt a decided objection to this grant. But, although the sentiments which he entertained were by no means popular in the House, yet, as he had conscientiously adopted them, he should not shrink from the duty of a candid and public avowal. He could not forget the nature of that solemn oath, which he had more than once taken at that Table,—an oath which involved the principle, that the Popish worship was, in his opinion, to say the least of it, irreconcilable with Scripture truth,—an oath, which, though now abolished, yet stood recorded, as far as he was concerned, in Heaven; and which he could not have safely taken then, if he did not fearlessly adhere to it now. He deemed the College at Maynooth a great source of the evils which afflicted Ireland,—that it was a dangerous institution; and those who were educated there, were, in the opinion of those persons whom he considered as best qualified to judge, less well-affected than others to the institutions of their country. He thought that, without any impeachment of their motives, or derogation from the respectability of Roman Catholic priests, they were bound by duty, as well as prompted by inclination, to labour with unremitting and zealous assiduity, and with a feeling that they were doing God service, not only to overturn the Protestant Church in Ireland, but to subvert the Protestant religion under every possible modification. The celibacy of the Popish clergy, which severed them from many domestic ties, caused the current of their affections to run the more strongly and exclusively in favour of the Romish Church, which was by them considered as father and sister and brother and mother. This was his deliberate persuasion; and he should think he betrayed the cause of his country and of his God if he voted a national provision for the education of individuals who must direct the best energies of their minds to the overthrow of those principles which he deemed most essential to the public good. He should as soon think of granting money to a college for the education of officers, who, when carefully trained at the public expense, would direct all their efforts to the subversion of our civil institutions. Every Protestant must be a rebel against lawful authority, in the estimation of every priest. It was true, that the Papal power was at present at a low ebb: the loudest thunders of the Vatican, if wielded by the successor and namesake of those who excommunicated the Emperors Henry 4th and Frederick 2nd, Henry 4th of France, and Queen Elizabeth, would not now shake the weakest of Sovereigns on his Throne, or seduce the wickedest of subjects from his allegiance. But the spirit of Papal domination was unchangeable and unchanged; and the Roman Pontiff viewed all the Protestant realms throughout the world with the same jealousy and indignation which Ferdinand 7th experienced, when he saw the revolted colonies in South America enjoying that independence, which they had earned by shaking off his hateful yoke; and which independence, though he could not annihilate the colonies, he never would acknowledge. Between the Protestant and the Papist, he considered that, in regard to religion, there was a great gulf fixed. The Presbyterian could receive, with joyfulness and brotherly affection, from the hands of the Protestant Bishops, the sacred symbols of a Saviour's dying love; the Baptist might derive edification from the ministration of the Independent; but, although there were exceptions, it was undoubtedly the rule, that the Roman Catholic would deem it a profanation to approach the Protestant altar, to read the Protestant Bible, or to join in the domestic worship of the Protestant family. With these sentiments, and for many other reasons, which he should not obtrude upon a reluctant audience, he should deem it a sacred duty, as an Elder of that Church which had experienced Popish persecution in its infancy, and had always borne testimony against Popish doctrines, to enter a solemn protest against the grant now proposed.

Lord *Clements* said, that after the very extraordinary speech which the House had just heard, it would be their bounden duty to make some arrangement which would take this grant out of the Estimates, and settle it in some other way, so as that Roman Catholics would be relieved from the grievance of having, year after year, on the introduction of this vote, to complain of misrepresentation and distortion of their opinions and intentions put forth by gentlemen who happened to differ in opinion from what, in Ireland, might be called the religion of the country. He little expected, on that evening, to have heard such a speech as that just uttered; but, as it might be a lesson to the Government to prevent the recurrence of such, he scarcely regretted that it had been uttered. Gentlemen from Scotland might talk of the gulf that existed between Protestantism and Catholicism; but when they remembered that the country for which this grant was proposed was almost entirely Catholic, the consideration should have the effect of lessening their zeal. Objection had been taken to the Catholic Priesthood; but if there were grounds for such objection, those who looked into the reason of things would find, that, perhaps, they might be found in the smallness of the grant given to the institution in question. If it were more liberally supported, it would be reasonable to calculate that a class of candidates for the priesthood more eligible, it might be, than those who at present sought admission would be found; and the character of the Catholic priesthood would be exalted to its proper dignity.

Mr. *Spring Rice* said, he was sure that his hon. friend would not have made the speech which the House had just heard, neither would he have offered any opposition to the vote then before them, if he had been at all aware of the effect which such a line of conduct must produce in the minds of a deeply religious and conscientious people. If his hon. friend knew, that his words would be denounced and repeated from one end of Ireland to the other, a little more caution would have marked his observations. He was quite sure that his hon. friend would not have given expression to such sentiments had he been in the least degree aware that that which was his individual opinion would be proclaimed throughout Ireland as the opinion of any proportion of that House. He begged to remind hon. Members that the vote then before them was a vote of ancient date—that it had been introduced on the recommendation of Mr. Burke, and continued under the sanction of Mr. Pitt—that it had been recommended in time of war, when every possible inducement was held out to the candidates for the Irish Catholic priesthood to seek for education in foreign countries, while they, under the influence of very laudable feelings, declined those offers of foreign potentates, and preferred to receive their education in the country to which they belonged, and under the sanction and authority of that King to whom they owed allegiance. Although he concurred generally with his noble friend behind him, yet he hoped that the time would never arrive when the means of maintaining the college of Maynooth would be removed from a Committee of Supply, for, in his opinion, it was important, that it should not only proceed direct from that House, but that it should be made annually. He was not only favourable to the vote, but he was an advocate for it in the precise way in which it then stood on several grounds, and, amongst others, on this—the length of its continuance and the circumstances under which it had originally been granted. He would ask, was the present a time in which such a vote ought to be rejected—was it in the year 1834, that a great nation, and a powerful priesthood, should be made to feel, that their loyalty and attachment to British connexion and their native country—that their rejection of foreign offers in times of difficulty and danger—were ungratefully forgotten? Did any hon. Member suppose, that if the money were withdrawn, that immediately thereupon the College at Maynooth would cease to exist? So far from any result of that description being in the remotest degree probable, he had not the slightest difficulty in saying, that if an evil as it now stood, that evil would be immeasurably increased, and that the new institution rising on the ruins of the old, would stand forth disfigured by many defects from which the present establishment was altogether free. No man who possessed the slightest knowledge of Ireland could for a moment doubt, that the population of that country would, as one man, stand forward with pecuniary aid for the support of the Roman Catholic College at Maynooth, influenced as much by a desire to support that institution as by a wish to mark their indignation at any refusal of the customary grant. He had spoken of the matter before the House as one might who conscientiously dissented from the doctrines of the Roman Catholic Church, for if the question was, whether or not they were now to create a Catholic religion, he should at once say—no; but, having found it in existence, what were they to do? Were they to leave the clergy of that persuasion without suitable means of education? In making these observations, he begged it to be distinctly understood, that he was far from saying, that the college of Maynooth was all that it might advantageously be made. He confessed, he should wish to see a more liberal course of study established there, and a higher class of students attracted to that seat of learning. Before he sat down, he wished to make this other observation, that it was quite a fallacy to suppose, that it was mere cheapness of education which brought students to Maynooth; for the fact was, that education could be obtained upon lower terms abroad than at Maynooth. The right hon. Gentleman, in conclusion, bore testimony to the excellent character of the priesthood educated at Maynooth, and expressed an earnest hope, that in future they would not mix up polemics with politics, for, as had often been well said, religion perverted politics, and politics degraded religion.

Mr. *Cutlar Fergusson* observed, that however desirable it might be to have avoided the discussion altogether, it had now advanced to a point at which it could not be allowed to remain. It was decidedly his opinion, that the main objection to the grant was, its being too small.

In consequence of what had fallen from his hon. friend, the member for Caithness, he thought it right to say, that in Scotland there were few persons, indeed, who participated in the sentiments which the House had that evening heard, and to which they must have listened with surprise, and with more than surprise, when they remembered that the people of Ireland so largely contributed to the maintenance of an Established Church from which they derived no advantage.

Mr. *Littleton* said, that the only feeling of the Irish Government on the subject was that of regret at so niggardly a grant being made. It was his opinion, that whatever defects might be found in the system of education at Maynooth, they were entirely attributable to the parsimonious scale upon which its expenses were conducted.

Mr. *James Johnstone* declared, that as a Protestant, he was adverse to such an application of the public money as was involved in the present vote: as a conscientious Protestant, he could not bring himself to vote away any portion of the public money for the maintenance of that which he believed to be a false religion. He must, therefore, express his hearty concurrence in the statements of the hon. member for Caithness.

Lord *Mandeville* said, that the documents of the Roman Catholic Church were decidedly hostile to the existence of Protestantism. The House, if it granted this vote, placed itself in a dilemma, by its maintenance of heresy, for if it could not prove the Catholics heretics, Protestantism must acknowledge itself guilty of schism. From the first moment of his entering that House, he felt the necessity of opposing the grant then under consideration, on the ground that it would be inconsistent in a House, exclusive as that then was, to support a vote which granted money for the purpose of educating a priesthood, the duty of which was to circulate doctrines different from, and hostile to, those which the granters of the money believed to be the true ones. He could not now urge this line of argument, for the House had changed its character, and was no longer exclusively Protestant. It had been insisted that the priests educated at Maynooth exhibited an inclination more favourable to the British connection than those educated on the continent, but there lately occurred a case in Cork, where a priest educated at Maynooth gave but a bad specimen of the system pursued there. He did not intend to say, that individual cases formed general rules, but a case of this nature could not be overlooked. At the last Assizes in Cork it had been proved that a priest had connived at the murder of one of his Majesty's subjects, by withholding evidence, which would acquit the accused, and for this purpose he made an evasive use of his sacerdotal privileges; but when the question was put to him, whether the evidence which he withheld was given under the seal of confession, he was obliged to acknowledge that it was not. This was but an individual instance, to be sure, but, coupled with other things, it might serve to argue a general inclination. As to what had been said by the right hon. Gentleman (Mr. Rice) with respect to the year 1834, he (Lord Mandeville) did not see the force of the application. Instead of urging it as a reason for supporting this grant, it was on the contrary an additional one which might be urged in opposition to it, as the circumstance to which it referred furnished new grounds why no grants for the support of any exclusive establishment should be brought before that House.

Mr. *Lefroy* allowed every Gentleman in that House full scope for the expression of his opinion, but the same licence which he granted to others, he would also look for at their hands. He felt it due to himself to deliver his conscience from the self-reproach of permitting this vote to pass without an objection. He could not understand the inconsistency of those who, professing one religion, voted funds for the propagation of another, whose doctrines they believed to be erroneous. He believed in the error of these doctrines, and, thus believing, he felt bound in the honesty of his conscientious conviction to oppose the vote, and meet with a decided negative a grant in which, though he might not be able to prevent it, he would not concur.

Mr. *Baldwin* was astonished at the opposition given by the hon. and learned Gentleman to so paltry a grant to the teachers of a religion from whom he had in his high professional practice received so many fees, and of whose money he had pocketed far more than the sum now proposed to be granted. The hon. and learned Gentleman was under a mistake when he stated that this grant was made for the propagation of the Catholic religion. The religion was established beyond any power in the State to put it down, and whether this grant was or was not made, its tenets would continue to prevail in Ireland. The question before the House was, not whether it would aid in propagating any religious system, for the system was already fully established, but whether it would assist in yielding to those who were to be its ministers a full and sufficient education to enable them to impart useful instruction to the persons submitted to their ministry. He should not be surprised to hear in his own country such a speech as that delivered by the hon. Gentleman who opposed the grant; but he confessed that in that House he did feel astonished to find a Gentleman of education stand up and say, that he would prefer an uneducated teacher to an instructed one. To convert the Roman Catholic priesthood to any other persuasion of Christianity would be a hopeless task; and it was, therefore, the duty of an enlightened Legislator to afford to those who had the government of the popular mind every facility which would fit them to fulfil their duties in the most beneficial manner. As to the accusations put forth against the Roman Catholics, whether they were uttered by a Scottish or any other Member, he would scorn to rise up in that House to refute or repudiate the charge. "Exterminate" was no term to apply in the way in which it had been applied; and on the part of the Catholic body, he denied, that they had any such intention or wish. All men who believed firmly were anxious to make converts to that belief; and it would scarcely be denied that this was the disposition of all religious sects. Beyond this the Catholic did not go. As to the hon. and learned Gentleman who preceded him (Mr. Lefroy), if he were expressing his own private opinion amongst his friends, he would not make the assertion that it was the wish of the Catholics of Ireland to exterminate the Protestants. It was true, he had not made this assertion himself; but by adopting the sentiments of the hon. Member who preceded him (Mr. Sinclair), he evidently concurred in it. There were other colleges in Ireland for the education of Catholic clergymen, which, even if the grant to Maynooth were withheld, would increase in public patronage, and the propagation of the Catholic religion so dreaded would increase in proportion, whilst at the same time the Irish people would naturally say that they owed nothing to the British Government, which, whilst it extracted so much from the country in so many shapes, was still unwilling to grant a small pittance in return for the education of their clergy. As to the charge against a particular clergyman brought by the noble Lord, the very friends of that clergyman would and did admit, that his conduct in the instance alluded to was censurable; but was the act of an individual to be visited upon a whole body—a whole nation? If such was the standard—if the conduct of an individual was to be the test, he would fearlessly ask in that House what sect, what religion, would be free from the grossest accusation?

Mr. *Andrew Johnston* complained, that no intimation had been given that this important vote would be brought on to-night, and declared, that if he only received the support of two Members, he would divide the Committee against it. He had heard no argument adduced in the course of the present discussion which could soothe the conscience of any sincere Presbyterian for voting in favour of the proposed grant. If money was to be voted for the encouragement of Popery, what, he asked, was the use of the Reformation? He was told that Popery had of late years changed its character; but he was at a loss to discover any change which the Roman Catholic religion, unchangeable and infallible as it had ever been assumed to be by those who professed it, had undergone. What was the use of the Articles of the Church of England, or of the Church of Scotland, when so many Members of that House, belonging to both those churches, were ready to support the proposed grant? In the Articles of the Scotch Church he found the doctrines of the Church of Rome stigmatized as idolatrous; and could he then, holding as he did a spiritual office in the Church of Scotland, with any consistency, give his consent to a grant of money to be applied to the instruction of the Roman Catholic Priesthood? He was somewhat surprised to hear the hon. and learned member for Kirkcudbright express his concurrence in the present vote. He fancied that the hon. and learned Member would find, that his constituents entertained a very different opinion on the subject. But the hon. and learned Member had travelled in the East; and he supposed this circumstance had liberalised his ideas, and caused him to reject all those old-fashioned prejudices to which strict and honest Presbyterians still pertinaciously adhered. The right hon. Secretary for Ireland also intended to support the vote; nay, he carried his liberality still further, for it appeared from the newspapers, that he had been pleased to give a liberal donation towards the building of a Catholic Church. This was doubtless all in keeping with the liberal notions entertained by the right hon. Secretary; but if the right hon. Secretary was a member of the Church of England, all he could say was—"Alas for the principles of the right hon. Secretary!" The hon. Gentleman, the Secretary for the Treasury, had expressed a hope, that politics and religion might never be united. He hoped, on the contrary, that they never would be separated; for if ever they were, he believed that ruin and desolation would fall on the empire of Britain.

Mr. *Spring Rice* denied, that there was anything unfair or unusual in the manner in which the present vote had been brought forward. No different notice than that which had been given on the present occasion had ever been given before, and in fact no different notice could be given, according to the forms of the House. The hon. Member who last spoke also misrepresented the few observations which had fallen from him (Mr. S. Rice). He did not express any wish to separate religious and political feelings; but he had complained of the introduction of polemics into the House of Commons, and nothing that had fallen from the hon. Member had induced him to change his opinion.

Mr. *Cutlar Fergusson*, having been pointedly alluded to by the hon. Member (Mr. A. Johnston), begged to observe, that he was prepared to justify before his constituents every sentiment he had uttered. Those sentiments were, he admitted, liberal; but, he would assert, they were Christian; and he was prepared to vote money for the education, not only of the Catholic clergy, but, if necessary, of the Hindoo priesthood too, because he was convinced that religious instruction tended to civilize men and make them better subjects.

Mr. *Brotherton* had heard with pain the sentiments which had fallen from some hon. Members in that House. He felt no objection to the proposed grant; and though not belonging to either the Church of England or the Church of Rome, he was ready to admit, that there was a good deal of truth contained in the doctrines of both. If, however, he felt any objection to the grant of money to a clergy not teaching the same belief as he professed, that objection would apply as strongly against the Church of England as against the Church of Rome.

Mr. *Gillon* deeply regretted, that any Scotchman should have given utterance to such sentiments as had fallen from the hon. Member opposite. That hon. Member had asked, what was there to soothe the consciences of Presbyterians for voting in favour of the proposed grant; and he should like, in return, to be informed, what was there to soothe the consciences of the millions of Dissenters of this empire, and the Catholic peasantry of Ireland, who were heavily taxed for the support of doctrines to which they could not give their assent? In his opinion it was highly creditable to Scotland, that so few of her representatives had spoken against the proposed grant. The hon. Member had taken care to inform the House of his holding a spiritual office in the Church of Scotland. That was a fact of which he was aware; and as he voted for the exclusion of the Bishops from the House of Lords, so, on the same principle, did he wish, that the hon. Member was confined to the performance of his spiritual duties.

Mr. *Edward Ruthven* denied, that the noble Lord (Mandeville) had formed a proper estimate of the Irish character. The noble Lord, it was true, had made the tour of Ireland—but in what capacity?—as a Methodist preacher; but many itinerant preachers were much better acquainted with the feelings of the people, and more extensively versed in divinity, than the noble Lord.

Mr. *O'Reilly* said, that after the attacks which had been made on the Catholic clergy, he was sure, that the Irish people, who could not but apply to themselves the insulting and unjust aspersions cast on their spiritual instructors, would be glad to see the grant withdrawn for the present, and brought forward on another opportunity, with a view to having its merits fully discussed. He for one shared in all the sentiments entertained by the Catholic clergy of Ireland, and he asked the House to decide whether he was inclined to exterminate the Protestants? He protested against the imputation thrown out against the Roman Catholic clergy; and he declared the statement made by the noble Lord (Mandeville), that the Catholics were arrayed against all lawful authority, insulting and unfounded.

Lord *Mandeville* was not aware, that he had charged the Catholics with being arrayed against all lawful authority; neither had he imputed to the Catholics a wish to exterminate the Protestants. All that he said was, that they must desire to exterminate the Protestant faith.

The Committee then divided, when there appeared: Ayes 137; Noes 11—Majority 126.

Several other Votes were agreed to, and the House resumed.

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HOUSE OF LORDS,

Monday, April 21, 1834.

MINUTES.] Bill. Read a second time:—Exchequer Offices. Petitions presented. By the Dukes of CLEVELAND and RICHMOND, the Earls of FITZWILLIAM, SUFFIELD, RADNOR, DURHAM, and Lord HOWARD OF EFFINGHAM, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By the Earl of RADNOR, and Lord TEYNHAM, from several Places,—for the Repeal of the Union.—By the Duke of CLEVELAND, the Bishop of EXETER, Earls MORLEY, ROSEBERY, FITZWILLIAM, Lords BEXLEY and WHARNCLIFFE, and another NOBLE LORD, from a Number of Places,—for the Better Observance of the Lord's Day.—By the Duke of RICHMOND, from the Hand-Loom Weavers of Perth, for a Board of Trade.—By the same, from the Rate-Payers of Lothbury and other Places, to be relieved from the Performance of Statute Duty.—By the Duke of WELLINGTON, Earl FITZWILLIAM, and Lord WYNFORD, from several Places, for Protection to the Established Church.—By the Earl of ROSSLYN, from the Provincial Synod of Fife, against, and by the Earl of ROSEBERY, from Kirkcudbright, and other Places, in favour of, an Alteration in the present System of Church Patronage in Scotland.—By Lord TEYNHAM, from Aughagoure, against Tithes.

CAMBRIDGE PETITION—AGAINST THE DISSENTERS.] The Duke of *Gloucester* said, that in pursuance of the notice which he had given on Friday last, he now rose to present to their Lordships a Petition signed by 258 members of the Senate of the University of Cambridge now assembled in the University, praying that their Lordships would not agree to the prayer of the petition signed by sixty-three of the resident members of the University, which was presented to their Lordships on the 21st of March. In anything which he might have occasion to say with respect to that petition, he assured their Lordships that he meant nothing unkindly towards those gentlemen who had signed it, most of whom he knew to be most eminent men, and with some of whom he had the pleasure of being acquainted. He always wished to observe the practice of their Lordships' House with regard to not making speeches upon petitions, but he must, on this occasion, shortly call their Lordships' attention to the circumstances under which this petition was presented. Of the first petition he had never heard until Wednesday, the 19th of March, when he learnt from the newspapers, that such a petition was to be presented. He immediately wrote to the Vice-Chancellor, expressing his astonishment, and desiring to know the contents of the petition, by whom it had been signed, and particularly to know whether he conceived, that the sentiments of the University were changed on this most important subject. On the Friday following, he received a letter, in which the Vice-Chancellor said, that he could not apprise him (the Duke of Gloucester) of what he did not know, and that there had been so much secresy about the matter that he himself, could not tell by whom the petition had been signed, and he merely gave some names; but the Vice-Chancellor added, that with respect to the sentiments of the University, he could assure him, that they should be communicated as soon as he had an opportunity to collect the opinions of the whole body. Under these circumstances, he had abstained from saying anything on the subject when the other petition was presented, as he considered that it would be a more proper thing for him to address that House when he should be able to communicate what were the true sentiments of the University of Cambridge on this subject. It was impossible for him to ascertain their opinions at the moment the former petition was presented. Every exertion was made to collect their sentiments upon the subject, but in consequence of the adjournment of Parliament on the 26th of last month, it was impossible to procure from them an expression of their opinions. It was only, therefore, on Wednesday last, that they had time to frame and agree to the petition which he then held in his hand. This petition was presented to the Caput, but, as their Lordships knew, by the laws of the University, any member of the Caput had the power of throwing out a petition, so as to prevent its being a petition from the Senate. On the occasion of the present petition being proposed, that power had been exercised by a professor of Downing College. It was rare that such a power was exercised with regard to a petition, for it did so happen, that no petition had been thus thrown out for a very long period until the present instance. Two graces, he would admit, had recently been rejected by the Caput; but they were for a complete alteration in the constitution of the University, and therefore, bore no analogy to a grace for a petition. He was ready at the same time to say, that he wished those graces had passed the Caput, for he was sure that they would then have been thrown out by a great majority of the Senate; and he also regretted, that the grace for allowing this petition had not passed the Caput, for as it now stood, it did not come from the Senate. That it was signed by 258 Members of the Senate who had signed it within two hours after knowing that it had been thrown out by the Caput, was a fact that showed pretty well what were the sentiments of the members of the University. He regretted, however, chiefly that this petition did not come from the Senate as a body, because, from that circumstance, he had not been able to put his name at the head of it, though he should have been most proud to have been able to do so. They had been told, that all the Dissenters asked was, to be able to take degrees at the University. Now, what did that amount to? Why it amounted to giving them the right to a place in the Senate—to giving them votes as to all alterations of the laws of the University—as to all the offices there—and as to the disposal of the general patronage of the University. But, then, it was said that Dissenters received their education in the University; and that if they were admitted to receive their education, there could be no harm in admitting them to take degrees. He denied that this was a just conclusion. Dissenters were not acknowledged by the Charter—by the wisdom of our ancestors, who had founded the University—by the wisdom of the Sovereign who had sat on the Throne! What laws were enacted with respect to the young men who entered the University? They were obliged to take only two oaths, the object of which was, to maintain the discipline of the University, and to be faithful to the King. They were obliged to take the Oath of Allegiance, and an oath of obedience to the Charter of the University, and all authorities created by it. Into the hearts of men the University could not look; but it required the students to attend the chapels of the University. It had, however, been decided by the wisdom of our ancestors that when they were to receive degrees, they should conform to the Church of England for the safety of the Church and the best interests of the State. But the moment the Legislature said, the University must admit Dissenters, it could no longer oblige the under-graduates to attend chapel. The whole system must be altered. Was the University to have Socinian professors, Unitarian professors; Jewish professors, Mahomedan professors, and Hindoo professors? or was it no longer to instruct the youth committed to its charge in any religion;—for one or the other must be the result? Were the tutors and divinity professors (whose professorships were endowed to teach the sublime doctrines of our Holy Church) to refuse to instruct the British youth in those divine truths upon which their happiness here and their future prospect of felicity depended? When a youth arrived at College to be educated for the Church, was he to be told that the Universities would teach him every branch of learning and science, but could not instruct him in that profession for which he was destined? It was said that Dissenters had been freely admitted till the time of James 1st.; and it was now made matter of blame that they had not been admitted since that period. That was in the year 1614, a period of no less than 220 years ago. If he wanted a defence for the exclusion, he might rest upon that. The University had prospered during that time, and during that time some of the greatest luminaries of science in the world had been educated there. During that time Newton, who possessed the greatest mind that ever man had, and other men of great eminence, had been reared within the walls of the University. Since the beginning of that period, too, the Revolution had happened, when all the institutions of this country were reviewed, and necessary changes introduced into them; and if any change was thought necessary in the University, that was the time at which it should have been introduced. The principle on which the University of Cambridge was founded, and by which it was guided, was that it was for the education of persons of the Church establishment, and especially for the education of those who were destined to be the clergy of that establishment. Almost the whole of the great offices of the University—the whole of the preferment of the University—was in the Church. The preferment was all clerical; out of seventeen colleges, only two or three could have lay masters. In Trinity College, where there were sixty Fellows, there were only two lay fellowships. Would, then, the members of the Church of England, who happily formed the great majority of the population of this realm (however respectable the Dissenters might be, of whom he wished to speak with the greatest respect), be satisfied to send their sons to an University, where religion was not taught, and where those intended for the Church could not be instructed in that profession? He thought not; and another petition he had to present after this was laid on the Table, would demonstrate the feelings of the members of the Church of England. This morning an under-graduate came to him, and requested, in the names of the under-graduates of Cambridge, that he would present their petition. He said "Young man I disapprove of under-graduates sending petitions to the Legislature—but as the example was last year set by a Minister of the Crown, I cannot refuse—admiring as I do the religious feeling that has actuated the bachelors and the under-graduates—to act upon the zeal with which I am urged, and the peculiarity of the case. I have been an under-graduate myself, and I am now your Chancellor, and I will advocate your cause, and present your petition." But would the Dissenters be content with what the first petition proposed to grant them? Certainly not. In 1829 he voted for the Emancipation of the Roman Catholics, and reflected with much satisfaction on that vote. But would those noble Lords who were now Members of that House, and would the hon. Gentlemen who had seats in the other House of Parliament, would they have been satisfied with the declaration that they should have seats, but should never hold office, nor be capable of conferring office? They would have scouted such a proposition. And noble Lords might be assured, that if ever they granted to Dissenters the right to be admitted to take degrees in the University, they must grant them all those rights which now followed upon the taking of degrees. They must have a share in the power of altering the laws, and of disposing of the patronage of the University. If that fatal event should occur, he was convinced that the interests of the Church could not expect any longer to be safe. And why was all this to be done? Because some Gentlemen, who dissented from the Established Church, and who wished to practise the law, were now unable to come to the Bar without studying two years longer than was required from Gentlemen who had taken degrees at the University; and because Gentlemen, who were Dissenters, and who wished to become members of the faculty of medicine, did not receive from the faculty of Physicians all those advantages which were granted to those who had taken degrees at the Universities. Was it for such matters as these that legislative interference was called for in a way that could not be granted without injury to the interests of the Established Church? But he said, if the grievances were so great, the Inns of Court and the College of Physicians should be called on to apply the remedy. Let him, in the name of the University where he had received his education, let him in the name of the University which twenty-three years ago had done him the honour of putting him at its head, when he swore that he would defend its rights—let him, in the name of that University which had rendered such important services to the country by the education of the British youth (for so many centuries he had almost said, but) for so long a period in the doctrines of the Church of England—which had furnished that Bench (the Bench of Bishops) with so many of the ornaments he now saw upon it, and with many, in former times, who had been among the brightest ornaments of that Bench—which had put forth so many men eminent, not only in religion, but in science; let him, in the name of that University, ask their Lordships not to do that which must compel that University to refuse to teach religion to the British youth. He prayed their Lordships not to call on the University to alter that system which had brought them to that proud, high, and most useful pre-eminence (he must be allowed to say so, though he was their Chancellor, and ought perhaps for that reason to be silent) on which they now stood. He moved, that the petition he now held in his hand be laid on the Table. He should afterwards present another on the same subject. It was from the under-graduates of the University. He confessed that he was not an admirer of under-graduates presenting petitions to either House of Parliament, but, after the example which had been set on the other side, he felt, that he could not refuse, when 755 out of the 1,100 under-graduates had signed a petition (and more would have signed it had there been time), and sent a deputation to him, calling on him as their Chancellor to present it. He begged to add, that the petition from the members of the senate which he now presented was signed by eleven heads of houses, by eight professors, and twenty-nine tutors of colleges.

Earl *Grey* rose and said, it was not his intention at the present period to enter into the general question of the propriety of opening the Universities of Oxford and Cambridge to the Dissenters. He would not be provoked into argument, he should merely notice a few topics that more immediately referred to the petition then before their Lordships. The petition related to a subject of the greatest importance to the people in general, but, if possible, of still more moment to the Universities themselves. He should take a different course from that pursued by the petitioners themselves. Future occasions would occur, other opportunities must present themselves, when the question could be discussed with better hopes of viewing it upon its broad, its full, and unquestioned merits. He, however, must be permitted to state, that he emphatically denied, that such results would take place from the admission of Dissenters into the Universities as those contemplated by the illustrious Duke who had presented the petition. The illustrious Duke would impute to Dissenters a desire to subvert the Establishment, to prostrate the privileges of the two learned bodies into which they then prayed for admission. They sought for no such power; they only prayed to be absolved from oaths, not to be obstructed by religious tests. That was the extent of their application; and, in making that appeal, they were willing to be bound by the laws, and governed by the statutes of the Establishments. They were already admitted to take academic distinctions in the Dublin University, or they might even enter the Cambridge Colleges; but although they might cross their portals—although they might participate in the advantages which they were likely to confer on the young, ardent, and aspiring mind—yet they were debarred from taking those degrees which would advance their further career in life. Thus far they might go, but no further. Against this barrier of exclusion they complained—against this denial of collegiate honours they petitioned: they humbly, respectfully, but energetically protested. Nothing, however, was further from their intention than to endanger the discipline, or attempt to undermine the fundamental principles of the Universities. Having said this much, he (Earl Grey) hoped he had said enough to remove the impressions which the speech of the illustrious Duke was intended to make upon the minds of their Lordships respecting the actuating motives of the Dissenters. He should, however, reserve for himself, the privilege of again meeting the question when it came next under discussion. The Dissenters, he contended, deserved the immunities they claimed. They ought to possess them, in fairness and justice; and, if possible, more particularly in regard to the interest of those learned bodies from which the illustrious Duke would for ever exclude them. There were other points in the illustrious Duke's speech on which he found himself called upon to offer a few remarks. The illustrious Duke spoke of those petitioners as forming a majority, when contrasted with the number of resident members who had signed the former petition. The number of petitioners in the present instance was 258—a number which far exceeded the whole number of residents in that University. He might be mistaken, but, he believed, that a great deal of pains had been used to obtain a large attendance of Members of the Senate, with a view to passing the grace which had been proposed in opposition to the former petition. The persons who attended were not, however, resident members of the University. They were there collected for this particular purpose; and being so collected, it was not extraordinary that the petition should be numerously signed in the short space which the illustrious Duke had stated. If, however, they looked closely to the subject, they would find that the matter stood thus:—There were 193 members of the senate resident in the University; of these sixty-three had signed the former petition, and, at least, seven who had not signed, were decided friends to the prayer of the petition, and there were several who took no part one way or the other. Now of those who had signed the present petition, and who were decidedly opposed to the prayer of the former petition, about 108 could not be called resident members; and, deducting 108 from 193, their Lordships would see that there was not a very large comparative majority of those who were decidedly opposed to the petition amongst the resident members. He thought it right to state this fact; but he did not feel any wish to enter into the merits of the respective signatures. The illustrious Duke had done justice to those who had signed the former petition; and he was sure, that in his capacity of Chancellor of the University, before all men, the illustrious Duke would admit, that amongst those signatures were to be found the names of individuals who had done the greatest honour to the University by their learning, by their talents, by their extensive acquirements, by their exemplary morals, and by their honest devotion to the interests of the Established Church. Amongst them were to be found many gentlemen who were most actively employed in the education of the youth who were students in that University; and was it to be believed—was it to be credited for a single moment—that individuals placed in such a situation, and necessarily influenced by the considerations connected with that situation,—was it to be supposed, that they would concur in signing a petition, a compliance with which would be calculated to produce the disastrous effects that had been described? Was it to be imagined, that those gentlemen, who were amongst the most considerable persons in the University, and who took a large share in the education of the students—was it to be believed, that they would sign a petition which went to destroy the system of education according to the religion of the Established Church—to overturn, in fact, the principles on which the University was founded—and, finally, to lead to the dreadful consequences which the illustrious Duke had described—namely, the subversion of our most valued and venerated institutions? He entertained no such apprehensions. On the contrary, he felt, that if the proposition embodied in the former petition were opposed, it would lead to those evils which a noble Lord on the other side of the House had formerly alluded to. He had but one word more to say. He admitted, that there had been an unusual exercise of the power of the veto in preventing the adoption of the grace to which the illustrious Duke had referred. The illustrious Duke had, however, in adverting to the unusual exercise of that power, stated, that in two recent instances, a similar course had been adopted—yes, on two occasions, a grace had been proposed to the Caput in accordance with the prayer of the former petition. That effort having, however, been defeated, was it unreasonable—was it unnatural—was it improper, that one of those persons who proposed that grace, should exercise his privilege against that which was afterwards brought forward in opposition to the prayer of the first petition? He stated this in vindication of those who had supported the former petition. If he had been led further, in what he had said, than the general merits of the petition, he had to apologize to their Lordships for having done so. He certainly did not think, that this was the fit occasion for entering into a discussion of the question; and he should, therefore, content himself with referring to the opinions which he had formerly expressed on the subject—opinions which he had since seen no reason to change. He still entertained a conscientious conviction, that, instead of endangering the security of the Established Church, the effect of the prayer of this petition, if it were admitted, would be to remove prejudice, to destroy animosity, and, by so doing, to impart strength to that Establishment which it was the most anxious wish of them all to uphold and support.

The Duke of *Wellington* could not avoid making one or two observations on what had fallen from the noble Earl at the head of his Majesty's Government, with respect to the petition presented by the noble Earl himself, on the 21st of March. The noble Earl stated, that the prayer of that petition was not to obtain for the Dissenters a participation in the honours and privileges mentioned in the petition that night presented by the illustrious Duke, but that its only object was, the removal from the Dissenters of certain disabilities under which they now laboured in acquiring degrees and other advantages, in the medical and legal professions. Now, it was perfectly true, that such was the apparent object of the former petition; but the noble Earl had kept out of sight one circumstance stated by the illustrious Duke—namely, that when the desired degrees were obtained by the Dissenters, those persons would become governors of the corporations in question, and would thus be placed in a situation which the noble Earl himself did not pretend that they ought to hold with respect to the education of the youth of the Universities. The noble Earl said truly, that the object of the petition presented by him on the 21st of March was, to obtain for Dissenters certain advantages in law and medicine; but there were other modes which might be resorted to in order to enable the parties to obtain the advantages desired, and the illustrious Duke had pointed out those modes. He must object to the mode proposed by the first petition—a mode which, upon the principles professed by the noble Earl, must be objectionable to the noble Earl himself, the ground of objection being, that the method referred to did give the Dissenters a share in the government of the Universities. That was the main difficulty which occurred to his mind when considering the subject. However, the House would have the question raised in a more satisfactory manner when a measure, lately introduced into the other House of Parliament, should be fairly before their Lordships; and seeing that another opportunity would occur for discussion, he should not now enter upon it; but if indeed that measure should ever be adopted by the House, which God forbid, their Lordships must at once take leave of that important object which the noble Earl stated himself anxious to maintain — the union of Church and State, if indeed the existence of Christianity itself would not be endangered. On that ground he had opposed the prayer of the petition presented by the noble Earl, and he supported the petition now brought before their Lordships by the illustrious Duke.

The *Lord Chancellor* felt with his noble friend, at the head of his Majesty's Government, and the noble Duke who had just spoken, that a more convenient opportunity would present itself, when the general question could be discussed upon better and juster grounds, than at present —when it could be entered on with a greater certainty of coming to correct conclusions, than at the period to which they had then arrived. There was a Bill before the other House of Parliament, which, in all probability, would come before them, and therefore place this question in a more correct and tangible shape. He (the Lord Chancellor) was anxious to follow the example set him, and to be most brief in the remarks he had to make. There were, however, one or two points which he could not refrain from applying himself to for a few moments. The illustrious Duke who had introduced the petition had done so with a degree of ability, a strength of argument, and an impressiveness of purpose, that must have struck every one who had heard that illustrious Duke speak. The impression made by the illustrious Duke, he was perfectly aware, must have been considerable. He therefore felt more inclined to trespass for a few minutes on their Lordships' attention. In the first place, he did entirely approve of one line of argument or observation taken both by the illustrious Duke who presented the petition, and the noble Duke who followed, and taken consistently with their peculiar opinions on the subject,—the sort of *tertium quid*, if the noble persons who so worthily represented two Universities would allow the phrase; they being not only gallant but learned officers,—that third or middle course which he was pleased to find proceeding from an individual of such deserved weight in the House, and who was a special and peculiar authority on the subject, holding the highest station in the University of Cambridge. Why visit, said the illustrious Duke (as if the proposition were a penalty against the Church, and not simply a relief to Dissenters)—why visit punishment on a party who was not an offender? And then said the noble Duke, following up the same train of ideas, the illustrious Duke pointed out other modes, besides those of degrees obtained on condition of subscriptions, by which means relief might be afforded without injury to the Universities. Now, the plain English of this was, that other modes of gratifying the wishes of the Dissenters might be pointed out, without having recourse to degrees from Oxford and Cambridge—other modes of qualifying Dissenters for the bar without requiring a longer standing than three years at the Inns of Court—other modes of conferring the privilege of Doctor of Laws, and other modes of entitling men to medical degrees, besides the mode pointed out at the Universities. That was neither more nor less than this—"Give the power of conferring degrees to other bodies besides the Universities." ["*No, no.*"] He dared to say some noble Lords did not so read it, but if those noble Lords rejected his gloss, his interpretation of the matter, they had the text itself before them, from the learned characters who pronounced it. He had offered his simple commentary; but if others had a more recondite sense in view, they were at liberty to reject what he said, and he hoped, that an explanation of the better and more approved gloss would be furnished. But he could not mistake the matter; he perfectly understood the illustrious Duke, who said plainly enough, "Why go to the two Universities and visit them with penalties, for insisting upon subscription to the Thirty-nine Articles as a condition on receiving degrees?—why not go to the College of Physicians and compel it to grant degrees in medicine to persons who had not qualified at the Universities?" Now, that was the very thing that was sought to be obtained by more than one public body at present. The London University asked for such a privilege, and petitions had been referred to the Privy Council on the subject, and a deliberation would shortly take place in reference to it. The two Universities had petitioned against the London University, and thus, unhappily, the authority of the collegiate heads of both bodies was not quite consistent with the better and sounder view put forth by their Chancellors. He agreed with the noble personages in question in their view of the subject; but if it were not taken in other quarters, mark the situation in which the learned bodies stood—a situation of gross and scandalous and unreasonable injustice, if they said, "We will not make Dissenters doctors; and, moreover, we will not allow them to be made doctors elsewhere." Could the wit of man imagine anything more unjust than this? "We won't make you doctors, and no one else shall—we have the power, but we do not choose to exercise it; nobody else shall have the power, lest they should exercise it. We object to making Dissenters doctors, because they don't worship God as we do—we won't make doctors of them; and you of the London University, who don't differ from the Dissenters about the worship of God, and are willing to make them doctors if you had the power—you shan't have any such power." What was this but the grossest and most unreasonable injustice—the acme of collegiate monopoly? He revered those respectable and venerable establishments as much as the illustrious and noble Dukes possibly could. True it was, he had not enjoyed the advantage which they had enjoyed of drinking at the fountains of science which were opened to all who resorted within the walls of the Universities; but having pursued without those walls such studies as he was able to embrace, they had led him to venerate still more those estimable establishments, and to admit, with a readier acquiescence, their claims to respect. It had been truly stated by the illustrious Duke, that one of the greatest men that ever adorned the human race—it was scarcely necessary to name Sir Isaac Newton—had studied at Cambridge; but he did not find in this fact any very precise or demonstrative proof of the propriety of subscription to certain articles of religious belief, albeit the illustrious Duke had been more successful in that respect. He apprehended, that at the period when Newton entered the University, subscription to the Thirty-nine Articles was not very strictly enforced. Sir Isaac Newton was born in 1641 or 1642, and his entrance at college, at the age of sixteen or seventeen, would bring his matriculation within the period of the Commonwealth, when the Thirty-nine Articles, he apprehended, were not very regularly subscribed by all who matriculated at the Universities. Though his veneration for the Universities yielded to none, he did not feel any great degree of alarm at opening their gates as regarded a participation in honours, or as regarded collegiate and University privileges themselves: but the noble Duke thought it out of the question to allow any Dissenters access to the Universities, because he was persuaded that the Church would be thereby endangered. How endangered? In this way—the Universities had many ecclesiastical privileges; most of the fellowships were not lay, but ecclesiastical, and then, independently of the care of education, which rested upon the fellows and tutors, it was not to be denied that, directly and indirectly, there was much Church patronage—the disposal of collegiate livings — within the power of the fellows; and, assuming all this, (said the noble Duke), the Dissenters, if allowed free access to the privileges of the Universities, will possess themselves of these powers. Now, this might be very well said, and might be all extremely true, as the law formerly stood; but the thing was quite different at present. In fact, the noble Duke and the Universities were here "straining at a gnat," while they "swallowed a camel;" for to take an instance within his own knowledge, there was no head of a college or head of a house—nay, there were no three colleges that had half so much Church patronage as the person who filled the office which he now unworthily held; the Lord Chancellor had 800 or 900 livings and eighteen or twenty cathedral stalls within his gift; but must the individual who administered all this Church patronage subscribe to the Thirty-nine Articles? He never did. His predecessor might have subscribed to them at Cambridge, but he never did so as Chancellor; neither did Lord Erskine subscribe as Chancellor, nor Lord Loughborough. Lord Erskine belonged to one of the best known and most respected Presbyterian families that ever took the solemn league and covenant in Scotland.

There was no doubt of that—he came of a good Presbyterian stock. But it was sufficient to remind their Lordships, that a man by the present law might be Lord Chancellor, and distribute all the enormous Church patronage mentioned, and be a Dissenter of any denomination whatsoever. The law required no subscription, no test; the Lord Chancellor need not be a member of the Established Church. After this, the idea of being alarmed at half a dozen Dissenters voting in the Senate-house, and one, in the course of perhaps half a century, becoming a fellow of a college, and indirectly sharing in the Church patronage of the college livings, while the Lord Chancellor, the Chancellor of the Duchy of Lancaster, or the Prime Minister himself, might be Dissenters—this did appear to him to be a most disproportionate, unreasonable, and very inconsistent degree of apprehension. He felt, that the Church and Universities had interests which would be best consulted by the course now recommended; that their foundations would be rendered most solid, and the superstructures raised thereon most secure, by fixing them in the affections and confidence of the country. "In conclusion (said the noble and learned Lord) I would wish only to be guided by the wise and tolerant policy which distinguished the Administration of the noble and gallant Duke. That noble and gallant Duke did much to advance the cause of civil and religious liberty; and if I wished to refer to a bright period in the history of the country, I would point to the time when that noble and gallant Duke perfected the greatest of his great achievements. Happy has it been for Ireland, and happy for the Church of Ireland, that he did so. By it he gave safety to the one and protection to the other. He saved a nation—he immortalised himself."

The Duke of *Wellington* thought, that the noble and learned Lord had diverted the debate from the present petition to certain other petitions presented to the Privy Council, to which that now before the House bore no relation whatever. Besides, the noble and learned Lord had mis-stated the facts of the case: the Universities, in the petitions before the Council did not object to other bodies granting degrees; all they desired was, that such degrees should not bear the same titles as theirs, in order that there might not be a fraud committed upon the world and those learned bodies. There was no objection, whatever, to Dissenters having all the advantages that could be conferred by degrees in courts of law or in the medical profession; but they ought not to be permitted to share the privileges and advantages of other degrees granted by the Universities.

The Bishop of *London*, entirely coinciding, as he did, with the noble and learned Lord, and the noble Earl who preceded him, as to the inconvenience of entering at length into this important subject on the present occasion, still could not resist the impulse which he felt to address to their Lordships some few observations, especially as it might appear extraordinary if the discussion were suffered to pass without one of that bench connected with the University in question rising to offer an opinion on the subject. He felt, that he should not discharge his duty to that University to which, under Providence, he owed all his success in life, if he did not offer a single observation when he found the interests of the Established Church so deeply concerned, and on an occasion when, as it appeared to him, the right line of argument had not been pursued. He had been in the habits of intercourse with Dissenters, and was so fortunate as to preserve a good understanding with them, and he would here observe, that he hoped noble Lords would not confound violent and intemperate men, who heaped opprobrium on the Church, with the large body of moderate and reasonable Dissenters. He was satisfied, that the large body of Dissenters did not seek admission to the Universities by the door now open, and he doubted, whether they wished to widen the entrance. If Dissenters could by possibility be educated with members of the Established Church, he did not dispute, but it might be well, and he feared not lest Churchmen should become Dissenters from the intercourse, but thought, on the contrary, that many Dissenters might become members of the Church; and, therefore, if there were any prospect of each class being educated together without risk of infringing the ancient privileges of the Universities, he should be well contented; but he could not flatter himself with any favourable result from an experiment such as he had mentioned. He apprehended an infraction of the privileges of the Universities. If, however, (and he was not without hopes of some such arrangement at no distant period) Dissenters could be admitted in larger numbers to the advantages of education and some of the privileges of the Universities, it might be well; but the decision upon this question ought to be left to the Universities themselves; and if they determined against an alteration, the Legislature had no right to compel it. It was stated, that many of the Dissenters enjoyed an academical education. He rejoiced that they did. He had associated with many of them who were ornaments to society. But let their Lordships see how the matter stood. So long as Dissenters enjoyed the benefits of a collegiate education by consent of the Universities, difficulties were not likely to arise; but if you gave them a claim to degrees as a matter of right, was it to be supposed, that conscientious Dissenters would, for any length of time, submit to the rules of the Universities in the matter of religious instruction, unless that instruction were so diluted and neutralized, and kept clear from vital differences of opinion between Churchmen and Dissenters as no longer to deserve the name? His own rule had been, cheerfully to co-operate with Dissenters in all things short of religious instruction, but not in that, because where the attempt was made, the result had been, either that the religious instruction given hardly deserved the name, or that the scheme altogether failed, and both parties receded from it, content in future to communicate religious instruction to members of their own communion. It was impossible to steer clear of controversial topics; nay, it was the duty of the Church of England instructors not to steer clear of them. Academical instruction could not and ought not to avoid such topics, because they involved points of vital interest. But, from the moment you gave Dissenters a right to University privileges, they would refuse to attend academical religious discipline. That discipline, he was sorry to see very much under-rated of late. People talked in a heedless way of the uselessness of requiring young men to attend at a Church-service, which was merely a matter of form, but he was convinced, that even that was productive of regularity of conduct. Changes might be made for the better, it was true, and improvements had already been effected; he could speak for his own college (Trinity) where the sacredness of the duty of religious worship as a part of the academical discipline was impressed upon young men as much as possible. However, from the moment Dissenters were admitted as a matter of right, religious discipline must be given up, and that was the chief ground which caused him to think it impossible thus to infringe the privileges of the Universities. If they were infringed, we should be deprived of the glory and honour of having in the Universities able instructrices of the youth of the country in the doctrines and discipline of the Church of England. He meant no disrespect to the Dissenters, and was heartily desirous of seeing their grievances removed; but must persist in excluding them from privileges which belonged solely to the Established Church. In conclusion, he agreed with the illustrious Duke, that there were easier remedies for the difficulties under which Dissenters laboured with respect to degrees, than would be found in infractions of the rules and privileges of two learned bodies, which their Lordships ought to be the first to uphold.

The Bishop of *Gloucester* said, that he only rose to correct what had been said by the noble and learned Lord on the Woolsack with reference to Sir Isaac Newton. It was well ascertained, that that distinguished man did not go to the University of Cambridge until after it was restored to Protestantism by the Reformation, and, that he had actually subscribed the Thirty-nine Articles. This point was not left to doubt or surmise, but was well authenticated. On the occasion of the only attempt made, from the period of the Reformation till the present, to procure degrees without subscription—he referred to the case of Albyn Francis, a Roman Catholic, recommended to the University by James 2nd, for a degree—on that occasion a Committee was appointed by the University to maintain its rights in the discussion with the Crown; and Sir Isaac Newton was the most prominent member of that Committee. With respect to the petition before the House, he must observe, that the individual who put his *veto* upon the grace proposed to the caput, by which means the petition was prevented from coming before the Senate, was no doubt actuated by honourable motives, but such obstructions were extremely rare. The first instance of the kind which he recollected was in the case of an address to the Crown on the assassination of Mr. Perceval, and to meet with a similar occurrence they must go back to the year 1715, when an address on the then late rebellion had been obstructed in a like, but, as was then stated, in an unprecedented manner.

The Bishop of *Exeter* spoke as follows:*—Not having the honour of being a member of the University from which this petition emanates, I should have been desirous not to have taken any part in the present discussion, but should have been glad to leave it in the hands of the eloquent individuals who have just addressed your Lordships, and particularly of my right reverend friend (the Bishop of London) near me, who has shown, as he always does, great earnestness and ability in enforcing what he believes to be the truth. But there was one part of his address which has compelled me to obtrude myself on your Lordships' attention. In almost all that the right reverend Prelate said, I fully concur, and I thank him most heartily for having expressed so well what I myself feel as strongly as he, though I could not have stated it so eloquently to the House. The right reverend Prelate, however, intimated an opinion, or wish, or even more than a wish, an expectation, of some mode being devised by which the admission of Dissenters to the Universities might be made consistent with the best interests of those institutions, so that Dissenters might be educated there together with those who went thither with the avowed design of being instructed in the principles of the Church of England. My Lords, I do not presume to say, whether any such mode can be ingrafted on the education given by the University of Cambridge; but this, my Lords, I will say, that if it be possible to devise such a mode, by no one is it more likely to be devised than by my right reverend friend; for by no one, who might exert himself in such an attempt, would a more zealous and devoted regard for the religious interests of his University be manifested, than by him. But, my Lords, while I give no opinion of what is, or is not, possible to be done with the system of Cambridge—as a member of the University of Oxford, which, although not brought into this discussion by name, has more than once been alluded to, or been included in the comprehensive term of "the Universities of England," I must not conceal my own full and deep-rooted conviction, that it is utterly impossible to introduce any measure for the admission of Dissenters into that University, consistently with what is due to the conscience, and to the oaths, of those persons who now administer its government. The University of Oxford differs from the University of Cambridge in one very material point—that no one can be even matriculated into it without subscribing the Thirty-nine Articles. I am aware that this provision in the Statutes of Oxford has been spoken of as ridiculous, and a learned Gentleman is reported to have said, that it is no better than "a solemn mockery" to call on young men of sixteen to sign Thirty-nine Articles containing a multitude of propositions about many of which able and learned persons have materially differed. My Lords, I should agree in that view of the matter, if the subscription to the Articles at that early age implied that the persons subscribing them did in fact say, "We have informed ourselves and have examined the various propositions which these Articles contain, and believe them from examination, to be true;" but such, my Lords, I submit, is not the case. The bare subscription made by boys of this early age is simply tantamount to a declaration that the subscribers belong to the Church of which these are the Articles, and accept them as true on that authority. I see that the noble and learned Lord intimates his astonishment at this statement, but I hope he will hear with patience the grounds on which I make it. By a very early statute, passed soon after the Reformation, the University of Oxford determined that no one should be matriculated without subscribing the Thirty-nine Articles. Another statute afterwards declared, that although simple subscription was all that was necessary on matriculation, something more was requisite on taking the degree—namely, a declaration that the party believed the whole of these Articles to be agreeable to the Word of God. In the first instance, parties are not under the necessity of making this or any declaration, or of doing more than subscribing their names; but the statutes expressly require that the individual who applies for a degree should do much more. The statutes require, that during his undergraduate state, he shall be thoroughly instructed in the Articles which he has thus subscribed; and when he takes his degree, he must solemnly declare, that those Articles which in the first instance he professed to hold, merely because the Church to which he belongs hold them, he now knows and approves for himself—that he believes them to be agreeable to the Word of God. Your Lordships will therefore see, that it is an essential part of education at Oxford, that the undergraduates shall be instructed in the Thirty-nine Articles. The tutors are required by the ancient statutes to give that instruction; and when, by the corruption and negligence which grew up in the course of ages, this duty of the tutors had been grossly and shamefully neglected, the University itself undertook the Reform of its own institutions, or rather reduced again to practice what was before the letter and the spirit of those institutions. Accordingly, thirty-four years ago, a new statute of the University not only made it imperative on the tutors to instruct their pupils in the Thirty-nine Articles, but also made a knowledge of the meaning, and the proofs, of those Articles to be an essential and preliminary part of the examination of every candidate for a degree. In truth, my Lords, it would be more accurate to say, that at Oxford no person can be admitted to examination for his degree without its first being ascertained that he has been taught the principles of the Thirty-nine Articles; for if it is found that he is not well acquainted with them, his examination is not suffered to proceed. Now, from this it is clear, that the University of Oxford cannot admit of any plan for combining the education of Dissenters with that of Churchmen, since a knowledge of the Articles of religion is an essential part of its education; and no man can be admitted to partake of that education, who does not, by subscription, declare his acceptance of those Articles, and his readiness, in consequence, to be fully instructed in them. My Lords, I have known more than one instance of men, highly distinguished in after-life, who when they presented themselves to be examined for degrees, were turned back because they were found to be not duly prepared for an examination on the Thirty-nine Articles. There is one right hon. Gentleman who has borne a high office under his Majesty, and another who is one of the most distinguished in an important branch of philosophy—a gentleman of great authority with many Members of both Houses of Parliament on certain branches of political science—both of whom were thus turned back, and both of them showed the blessed effect of that regulation; for they returned to their colleges, and having made due proficiency in the most important part of knowledge—the knowledge of true religion—again presented themselves to be examined for their degree, and were then admitted to the highest honours for literature and science which the University could bestow. My Lords, I am proud of belonging to a body, which has pursued so useful and honourable a course. I have a high gratification in reflecting on these things. They prove that the University of Oxford long ago has had the wisdom and magnanimity to correct the abuses which, in the lapse of ages, had gathered round its institutions; has shown itself both able and willing to achieve the reformation of itself, without waiting for any impulse from without; to return, in short, to the true spirit of the best and wisest institutions of our forefathers. My Lords, I do not wish, nor intend, to trespass long upon the attention of your Lordships; but there are one or two particulars which I would beg leave most especially to submit to your consideration. I apprehend that the application which has been made to Parliament, to force Dissenters into the Universities, is not so much an application to remove disabilities from the Dissenters, as an application to persecute the Church of England. My Lords, I say deliberately, it is to persecute the Church of England. The word is not too strong for the occasion. For, what does this application amount to? That it shall not be in the power of the wisdom and munificence of any individual, or bodies of individuals, to establish any institution which shall give to the Members of the Church of England the best possible education and instruction in the principles of their religion; because, when established, and when its success is most signally manifested, it must of necessity be such as shall exclude those who do not belong to the Church; but who from envy, or from whatever other motive, may be anxious to intrude themselves into it. My Lords, I scruple not to call this measure, if it be adopted, direct persecution; I will further venture to say, with the utmost respect for the noble and learned Lord, (the Lord Chancellor), that such a proceeding would be contrary to every principle of law and equity, which the jurisprudence of this country has hitherto recognized. I affirm in short, that Parliament has not the right, however it have the power, to order it. But that power Parliament, I am sure, will never exercise; because it will never permit itself to do that which it has not a right to do; and confident as I am that Parliament has, in this instance, not the right, I must protest against the exertion of the power. My Lords, it is, I apprehend, an admitted principle, that where a Corporation has received its Charter for a specific purpose, the law of England repels, and the Legislature of England has hitherto repelled, every attempt to break in upon that corporation, except on an allegation either that its members have omitted to perform the duties for which they were incorporated, or that the purposes for which they were incorporated, were originally, or has been declared by subsequent enactments, to be illegal, immoral, or superstitious. Such, I will venture to say, is the principle of the law of England in respect to Corporations; and even if a lawyer could devise any plea in derogation of it, I am quite sure, that there is no Englishman, of plain understanding, who would not proclaim his assent to the reasonableness of that principle. Now, is it, can it be, alleged, that either of the Universities, or that any of the Colleges within them, have violated the duties of their corporate character, or that they have abused the powers intrusted to them for the performance of those duties, or that the purposes and object of their incorporation are illegal, immoral, superstitious, or otherwise condemnable? My Lords, no man has ventured, nor will any man venture, to say any of these things. On what pretence, then, could Parliament dare—forgive the word, my Lords: when a man feels strongly he will not, scruple to speak strongly; but your Lordships will not, I am sure, think the word needs an apology, for you would not dare to do what is wrong —on what pretence then, I ask, would Parliament dare to set a precedent, which would destroy every thing like the principle of property as connected with corporations, and would violate all the sacredness that belongs to oaths—aye, my Lords, the sacredness of oaths? I say this, because it must not be forgotten, that the members of the University of Oxford have sworn, that they will obey their statutes, and I doubt not they will keep that oath inviolate. Parliament may have the power to destroy these bodies, but Parliament has not the power—and, if such a thing shall be attempted, Parliament will find, that it has not the power—to make these illustrious bodies faithless to the sacred duties which they have sworn to discharge. My Lords, the University of Oxford I know well—many of my happiest years have been passed within it—and from that knowledge of it I speak, when I proclaim my firm conviction, that if both Houses of Parliament shall pass the Bill, which has been brought into the other House, and if his Majesty shall, unhappily, be advised, and shall yield to the advice, to give to it the Royal Assent,—you will not, at Oxford, find a man—certainly very, very few men,—who would not submit to be pennyless and homeless, to be outcasts on the world, rather than do that which they now, it seems, are to be required to do—to be parties to the desecration of what they hold to be most sacred, and to the destruction of what they deem to be most valuable in this life, because it is connected with the interests of the life to come. My Lords, one thing has occurred this evening for which I was not prepared, but which has given to me the greatest pleasure,—I mean the presentation of the second petition, which the illustrious Duke has laid upon your Lordships' Table. Like that illustrious Duke, I am not disposed, generally, to encourage young persons, in a state of pupilage, to express to Parliament their opinions on matters of legislative consideration; but, my Lords, when their own best interests are involved—when their religion, which, thank God, they feel to be their dearest, as all must admit that it is their most valuable possession—when their religion is thus openly assailed, I rejoice to see them stand boldly forward, and call on Parliament to protect them. I rejoice at this, as one of the best symptoms that could present themselves; I rejoice at it as one of the few redeeming points amidst the many lamentable indications which mark the hapless times on which we are fallen. My Lords, when I contemplate this display of the noble zeal of the educated youth of England in the cause of their religion, I cannot forbear applying to it the language of a heathen poet, but with feelings, permit me to add, of which no heathen could be conscious:—

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> Dii patrii, quorum semper sub numine Troja est,
> Non tamen omninò Teucros delere paratis,
> Cùm tales animos juvenum et tam certa tulistis
> Pectora.

The *Lord Chancellor* could not refrain from expressing his astonishment at the speech which had been delivered by the right reverend Prelate who had just sat down. He did not intend to follow the right reverend Prelate into his casuistry, for it was so refined, that he was not certain he understood it. But if subscription did not mean what it professed to mean, but anything into which casuists might be pleased to convert it—if the person signing might disbelieve any part or parcel of that which he proclaimed his readiness to believe at all hazards,—if he might begin by subscribing to certain articles, and afterwards be at liberty to learn what those articles meant, all that he would observe was this—that if such was the true and precise meaning of subscription, a more clumsy invention was never struck out by human brain, lay or clerical, academic or barbarous, than to make a man who was only called upon to state his belief of one article swear that he believed in thirty-nine other articles. If this were the veritable and orthodox doctrine of subscription, then he would say, that he did not like subscription before, and, that now he disliked it ten thousand times more than ever he did. He had always thought it a cloak for hypocrisy. He had always thought it a measure of jesuitism and casuistry. He had always thought it a trap for tender consciences. He had always thought it a desecration of the holiest objects. But it now reared itself before his eyes as a degree of desecration, as a refinement of subtilty, as a device of jesuitism and casuistry, as a cloak for hypocrisy of the vilest and coarsest nature, as a—

The Marquis of *Salisbury* rose to order. The noble and learned Lord was only entitled to offer explanation of observations of his own; he was now wandering far beyond it—it was not only replying to, but attacking observations of other noble Lords.

The *Lord Chancellor* said, that it would be a good rule if noble Lords, before they called others to order, would just condescend to catch some glimpse, some faint glimmer, of the meaning of those whom they interrupted. He was stating in explanation of what he had already stated. He would move an Amendment. He would move it at that part of his speech that he thought fit. He had a right to be heard in continuation of his explanation; when he had concluded it he would move his Amendment.

Lord *Wynford* and another noble Lord rose and spoke together. We only heard the observation of Lord Wynford, who was contending, that, at this stage of the debate the noble and learned Lord had no power to move an Amendment.

The *Lord Chancellor.*—Well, then, I will finish my explanation.

Lord *Wynford* again spoke to order. If the intention of his noble and learned friend had been to move an Amendment, he ought to have moved it at the conclusion of his first speech. The time for moving it was now gone by. He appealed to his noble and learned friend, as the great doctor of order, to see, that the orders and regulations of that House were observed.

The confusion in the House was here very great.—At length

The Duke of *Richmond* obtained a hearing, and spoke to order. His noble and learned friend on the Woolsack had been personally alluded to in the speech of the right reverend Prelate who had preceded him. When a Peer was thus alluded to, it was usual for that Peer to rise in his place, and to speak upon that allusion, although not strictly in explanation. This had been done already that evening by the noble Duke opposite, who had spoken twice already. He was merely anxious to let his noble and learned friend finish his explanation. Before he sat down he must set the noble and learned Baron right, who had inadvertently fallen into a very singular mistake. The noble and learned Baron had called his noble and learned friend on the Woolsack the great doctor of order in that House. Now in that House, neither the Lord Chancellor nor any other speaker had any greater claim than any other of their Lordships to take upon himself the enforcement of order. To put the matter right, he would move that the House do adjourn.

Several of their Lordships again attempted to obtain a hearing, but

The *Lord Chancellor* insisted, that he must, in point of form, put the question. The question before this House stands thus:—The original question before this House is, "that the Petition do lie upon the Table;" since which it has been moved, "that this House do now adjourn." Whilst he was putting the question, his Lordship resumed his former place on the floor,—"I have now, my Lords, in point of form, the most ample right to enter upon the whole question, and to inflict upon your Lordships as long a speech as your patience will permit, in explanation of my former speech, and in refutation of the right reverend Prelate's argument. But, however, I do not mean to exercise the right of reply, which I now undoubtedly possess, for I trust, that I have already said sufficient to explain the profound astonishment into which the right reverend Prelate flung me by his extraordinary explanation of what he meant by subscription. I must, however, congratulate your Lordships on your having lived to see the commencement of a new and more prosperous era dawning upon the orders of the House. Till this night, though I have now had the honour of a seat for more than three years and a half in your Lordships' House, I never found any noble Lord attempted to be hampered in the latitude of his explanation. In this House an explanation is always a privileged second speech. I hope, therefore, that in future noble Lords will confine themselves strictly to explanation. With regard to what has fallen from my noble and learned friend, I have only to say, that I have exercised no power over the orders of the House since I have been on the Woolsack. When my noble and learned friend obtains that high honour which he so merits, and which, perhaps, he covets as well, he will not find me treating him, as he now treats me, as the doctor, or, I should rather say, the tyrant of order."

The Duke of *Wellington.*—The noble and learned Lord has argued, that not only to-night, but on former occasions, I have made second speeches—I say I never did. I grant I was bordering on it this evening, but knowing the bad precedent that might be set, I immediately stopped myself. I again deny the statement of the noble and learned Lord.

The *Lord Chancellor:* It does not follow, because the noble Duke denies what I say, that he is not guilty of it. I have often heard persons deny things very strenuously, that it afterwards appeared they had constantly been in the guilty practice of. Explanation, in my view, is not replying to what an opponent says, but explaining, putting in a clearer and more defined form, what you have yourself said.

The Duke of *Wellington:* What I said was, I never, in explanation, made use of a new argument. Again I say I never did, and again I deny what the noble and learned Lord says.

The Bishop of *Exeter:* I feel it necessary to trouble your Lordships with a few words, in order to explain what has been most grievously misunderstood by the noble and learned Lord—misunderstood, I repeat, for I am quite sure that if the noble and learned Lord had accurately heard my words, he would not have exhibited them in the very extraordinary manner in which he has thought proper to exhibit them. I said that subscription to the Thirty-nine Articles, by a boy, at the early age of sixteen, could not in common sense, be understood to imply a belief founded on full consideration and accurate examination of them—but belief founded on the authority of the Church of which he thus proclaimed himself a member. To that statement I adhere. Subscription to the Articles at the age of sixteen could, in common sense, mean no more than this, and would be understood to mean no more, even if there was nothing else to be taken in the account. But when we remember what the Statutes of the University further enjoin,—namely, that the persons who had so subscribed, should be afterwards taught the meaning, and the proofs, of the Articles which they had subscribed, that, before they were allowed to take a degree, they should be examined in their knowledge of these Articles, and in their ability to prove their truth; that at the time of taking their degree, they were required again to subscribe the Articles, but with the important addition, that they now declare them to be agreeable to the word of God,—when all this is borne in mind, it is plain that the first subscription, that made at their matriculation, is merely a declaration of their belief of the Articles, on the authority of the Church. It is just as children are taught to say their creed. When they say it, it cannot be seriously supposed that they have duly considered and examined, or even accurately understood, the several propositions contained in it: they only believe it to be true on the authority of their teachers. But will any rational person, therefore, condemn the practice of children saying their creed?

The Marquess of *Londonderry* said, he must complain of the discourteous conduct of the Lord Chancellor throughout the evening, and particularly of the denial which he had given to the statement of the Duke of Wellington, which was one of the most uncourteous things he had ever heard of.

The *Lord Chancellor* said, that if the noble Marquess intended to produce a quarrel between two Chancellors, he would unquestionably fail. The noble Marquess had misunderstood him, as much as the other noble Marquess near him. He had not denied any fact asserted by the noble Duke. He had distinctly said, that he believed that the noble Duke fancied that he had gone no further than explanation, but he had said as distinctly, that, in his opinion, the noble Duke had gone further. The noble Duke and himself had lived too long not to know that there was a wide difference between a denial of fact and a denial of opinion. The first is discourteous and worse than discourteous; but the latter amounts only to a difference of opinion.

The Bishop of *Durham* said, he was unwilling to prolong the present discussion; but he rose to confirm what had been said by a right reverend Prelate near him, respecting the practice of the University of Oxford, in requiring subscription to the Thirty-nine Articles, on the matriculation of its members, as well as on their taking degrees. The distinction which the right reverend Prelate made, as to the kind or measure of assent to those Articles, in the one case, and in the other, appeared to him just and well-founded. The assent given at matriculation could hardly be supposed to mean more than that the person so admitted professed himself to be a member of the Established Church, and received those Articles upon the authority which prescribed them, until he could be further instructed in them, as a standard of Christian doctrine and discipline. His subsequent subscription, on taking a degree, undoubtedly implied a more perfect acquaintance with them, and a more unqualified assent to them. This obvious distinction tended to do away the main objection usually urged against the practice of the University of Oxford in this respect. In regard to the petition itself, one chief ground of objection, as he conceived, to admitting Dissenters to the privilege of degrees in the Universities was, that the granting of that privilege would necessarily lead to their having a participation in the Government of the University. It seemed impossible to withhold the one, if the other were granted; and the consequences of this to the whole body, was the point, above all others, to be deprecated. With respect to the alleged illiberality of the Universities, (and stronger expressions of vituperation than this had been used on the present occasion) in not only refusing degrees to Dissenters, but preventing their obtaining degrees elsewhere, he did not see that they were fairly open to that censure. It surely rested not with the Universities to point out other means by which that object might be attained through other channels. Neither did he perceive the force of the noble and learned Lord's observation, that persons holding the high station in which he was placed were not required to subscribe the Thirty-nine Articles as a qualification for the office. Possibly, it was presumed, without such evidence, that the person whose office constituted him keeper of the royal conscience would be a member of the Established Church. But, without entering upon that point, the case appeared to him wholly irrelevant to the matter before them, which involved the subject of public education, as affecting the religious interests of the community. But he would forbear, and go no further into the subject. Should it unfortunately be brought before their Lordships in a more substantive form, (which he hoped it would not) he might feel it his duty to express his sentiments at greater length.

The Duke of *Gloucester* said, that his noble and learned friend (the Lord Chancellor) had understood his noble friend (the Duke of Wellington) and himself looked for a remedy to the grievance complained of, by allowing another University to grant degrees; but they meant no such thing; they said, that to the College of Physicians, and to the Inns of Court, who framed their regulations very long after the laws of the Universities were made, should the Dissenters look for the remedy. He should be most willing to see the College of Physicians give degrees in medicine. His noble and learned friend was under a mistake respecting Sir Isaac Newton; he was admitted in 1660, and took his degree in 1664, and subscribed the Thirty-nine Articles.

Petition to lie on the Table.

HOUSE OF COMMONS,

Monday, April 21, 1834.

Minutes.] Bill. Read a second time:—Tonnage of Vessels.

Petitions presented. By Lord **Althorp**, from several Places; and by Mr. **Hodges**, from Cranbrook, and other Places,—for Relief to the Dissenters; from Bethersden, in favour of a Tithes Commutation.—By Mr. **Jacob**, from Galway, and other Places, for the Repeal of the Union.—By Mr. **Goulburn**, from the University of Cambridge, against the Bill for the admission of Dissenters to the Universities.—By Mr. **Wolryche Whitmore**, from Wolverhampton, for the Remission of the Sentence on the Six Agricultural Labourers at Dorchester.—By Mr. **Langdale**, from Beverley, against the General Register Bill.—By Mr. **Methuen**, from the County of Wilts, and a Number of Places, against any Alteration in the Corn Laws.—By Mr. **Fenton**, from Rochdale, for the Abolition of the Corn Laws, Reduction of the Interest of the Debt, and of Public Salaries.—By Sir **Thomas Troubridge** and Mr. **Ingham**, from Margate, Ramsgate, and South Shields,—for Exempting Merchant-Seamen from paying Sixpence to Greenwich Hospital.—By Mr. **Slaney**, from Drayton-in-Hales, for a Clause in the County Coroner's Bill.—By Mr. **Fenton**, from Kinloss, in favour of the Connexion between Church and State.—By Mr. **Slaney** and Mr. **Cutlar Fergusson**, from several Places,—for an Alteration in the present System of Church Patronage in Scotland.—By Sir **Richard Simeon**, Sir **Andrew Agnew**, and Messrs. **Baines**, **Barnard**, **Ingham**, **Slaney**, **Goulburn**, **Mackenzie**, **Finch**, **W. Whitmore**, and Sir **Thomas Winnington**, from a Number of Places,—for the Better Observance of the Lord's Day.—By Mr. **Henry Grattan**, Mr. **Edward Ruthven**, Mr. **O'Brien**, and Mr. **Jacob**, from several Places,—against Tithes.—By Messrs. **C. Fitzsimon**, **Jacob**, **Henry Grattan**, and **Edward Ruthven**, from a greatNumber of Places,—for the Repeal of the Union.—By Lord **Darlington**, and Messrs. **Wilks**, **Fenton**, **Ingham**, **Baines**, **Hawes**, **Methuen**, and **Barnard**, from a great Number of Places,—in favour of Relief to the Dissenters.—By Mr. **Fellowes**, and Colonel **Conolly**, from Enniscorthy and Westmeath,—against the Repeal of the Union.

Admission to the Universities—Cambridge Petition.] Mr. *Goulburn* said, that, in presenting the Petition of 259 resident members of the University of Cambridge, he stood in a somewhat novel situation, in being called upon to present a petition, expressing what he believed to be the sentiments of that learned body, which he had the honour to represent, but proceeding from that body not in its corporate capacity. He deeply regretted the necessity which had given rise to the change which had taken place in the established practice of the University; and he should feel greater satisfaction if the petitions which emanated from the University were subscribed only in its corporate capacity, instead of conveying the private opinions of individual members of that body to that House. While, however, he regretted this departure from the rule which had been hitherto observed, he must admit, that the present petitioners had been guilty of a breach of that rule, and came before the House in their individual capacities, for the purpose of stating the opinions they entertained upon a matter deeply interesting to the prosperity of the University. Had they remained silent on this important occasion, they would have been guilty of a highly criminal neglect of moral and religious duty to the interests they were bound to protect, as well as of the duty they owed to that House. A short time had elapsed since a petition had been presented to both Houses of Parliament, signed by most respectable members of the University imploring the House to interfere, for the purpose of relieving certain individuals from a subscription which had been heretofore required from all persons taking degrees at the University, and which had the effect of confining them to the members of the Established Church. Great weight had been attached to the petition which had been presented on a former occasion by the right hon. Gentleman, the member for the town of Cambridge, as well as by other hon. Members, who, on that foundation, had rested legislative measures, which had already been proposed to Parliament, and would shortly come under discussion. Since, therefore, that House had received an expression of the opinion entertained by a certain part of the resident members of the University, and since the opinion of Parliament had been greatly influenced by the sentiments contained in that petition, it became incumbent on the large majority of the University who dissented from that opinion, and who considered that such an opinion would overturn the moral and religious discipline of the University, to state to the House the views they entertained on the subject. It became still more their duty, when it was recollected, that it had been stated to the House, that a member of the Caput possessed the power of putting a *veto* on any petition of which that individual member disapproved, and that such a power had been exercised. The petition he then held in his hand was, in every way, highly respectable, and was eminently entitled to the serious consideration of that House. It was signed, as he stated before, by 259 individuals belonging to the University, who had assembled at Cambridge on Wednesday last; and of that number there were 120 persons permanently resident at the University, and who were personally engaged in conducting the course of education there. He would, in one respect, imitate the course pursued by the right hon. Gentleman opposite (Mr. Spring Rice), who had presented the former petition, and analyze the signatures of the petition he held in his hand. To that, then, were attached the signatures of no less than eleven Heads of Colleges; one, who had signed the previous petition, being wanted. All the Masters, also, of the three largest Colleges in the University,—of St. John's, Trinity, and Queen's,—had signed the present petition; only two had signed the petition opposed to it, and they belonged to the small Colleges. If the number of persons were compared who came under the management of the Heads of Colleges and others, who signed both petitions, the discrepancy in point of numbers would be found to be so great, that it would diminish, almost to nothing, the value of the testimony brought forward by the petition on the other side. With respect to the signatures of Professors, he had to mention, that to this petition were annexed the signatures of seven Professors; and among these seven were comprised all the Professors of Divinity in the University. In mentioning Professors, he begged to add, that Professor Scolefield, who was Regius Professor of Divinity, had not signed in person the present petition, because he was the only Professor of the eleven absent when it was signed. That Professor had been called away by an unfortunate calamity, and he had deputed a friend to sign the petition for him. With respect to persons engaged in tuition, since they had been alluded to on a former occasion, he would also now allude to them. The former petition was signed by eleven persons connected with tuition; the present was signed by thirty-one tutors of the University. As far as learning and attainments went, he felt confident it would be found, that the persons whose names were affixed to the present petition were perfectly, both in mathematical and classical knowledge, on a par with those entertaining different opinions, who had placed their names to the other petition. He would not trouble the House with an enumeration of names, but would simply add, that the number of wranglers' names attached to the present petition was sixty-nine; the number of the signatures of Smith's prize men was very great; and a number of persons, who had attained the highest classical honours, had also signed it. The hour of the day admonished him that he had no time to dwell further on the qualities, attainments, and number of persons who had signed the petition. The right hon. Gentleman proceeded to describe the contents of the petition, which deprecated, in strong terms, the abrogation of all religious tests as a criterion of sound knowledge; and declared, that to bestow degrees without such tests, would ruin the University as a place for religious education. The right hon. Gentleman maintained, that, by the statute of Elizabeth, it was required, that the Holy Communion should be administered on the first day of each term, and that all the scholars and sizars of the University were required to attend. When such a provision was established by Act of Parliament, it was impossible to believe, that the law intended Dissenters to be admitted into the Universities; for, if the law had so intended, it would never have made provisions for enforcing the receiving of the Sacrament, according to the forms of the Church of England, on all the students. He hoped that, on another occasion, he should have more time to enlarge upon the subject, and would then conclude by moving, that the petition be received.

It being three o'clock, the Speaker rose. The debate was adjourned.

CHURCH RATES.] The House, on the Motion of Lord Althorp, went into a Committee on Church-rates.

Lord *Althorp* said, that he had taken the opportunity, prior to entering into the ensuing discussion, to present the different petitions which had been committed to his care by several bodies of Dissenters, praying for relief from the peculiar burthens which had been imposed upon them, in order that the petition for redress, and the measures of relief, might come before the consideration of the House as nearly together as possible. He considered that the Dissenters were perfectly justified in bringing forward the detail of their grievances at this particular juncture, on this particular point, inasmuch as he thought, that there was a great difference, in point of principle, between the payment, by Dissenters, of tithes and Church-rates. Church-rate was a tax laid on at the discretion of others, as far as regarded its amount; and the Dissenters, who were compelled to pay it, felt, that they were compelled to pay for the administration of worship under a system they did not approve. For this reason, in his opinion, the Dissenters had a right to complain of it; and he thought, further, that the Legislature was bound so far to relieve them. But while the system of Church-rates, as the law stood at present, was grievous to Dissenters, it could not be, in any way, satisfactory to the members of the Establishment. The payment of Church-rates had been refused in different parishes; and the remedy given to the Church had not been found sufficient to enforce the demand. For these reasons it seemed to him, that the Legislature was called upon to adopt some measure, not only to remove the grievances of the Dissenters, but to place the maintenance of parochial churches and chapels on a better footing. Different measures had been suggested for that purpose. The first was the recommendation from the Ecclesiastical Commissioners, which, however, did not profess, in any way, to remedy the grievances of the Dissenters. The sole object of it was, to adopt such a course as would give a more easy and effectual mode of collecting Church-rates. The adoption, therefore, of that proposition would not effect, at least, one of the objects he had in view. Another proposition took a middle course; and whereas the main expenditure of the rates had been upon the internal decoration of the Church, in future to provide in this method merely for the maintenance of the fabric, while other means were found to pay for necessary decorations in the performance of the service. It had been constantly stated in Parliament, by those who advocated the cause of the Dissenters, that it was not so much the amount of which they complained as the principle of compulsion. This second plan, therefore, though it might diminish greatly the sum raised by Church-rates, would not satisfy the object. Another proposition, which would certainly satisfy the object, was, to continue Church-rates as at present, but to exempt Dissenters from the payment of them. As far as the Dissenters were concerned, this would, of course, satisfy them; but it would be detrimental in the highest degree to the interests of the Established Church. If any person could exempt himself from the payment of Church-rates by saying he was a Dissenter, he apprehended that the number of Dissenters would be greatly and rapidly increased. For this reason, he could not prevail upon himself to bring forward a proposition contrary, as he thought, to the plain principles of justice. Another proposition was that of the hon. member for Exeter, which was to abolish Church-rates, and to substitute nothing for them, leaving the money necessary for upholding and repairing churches to be raised by voluntary contributions. Those voluntary contributions might, or might not, be sufficient—in some cases no doubt they would be sufficient,—but he was far from certain that this would generally be the case. While the Dissenters had a right to call upon the Legislature not to require them to pay money for a Church which was contrary to their principles, the members of the Establishment had a right also to say, that their interests should receive all due attention, and that their principles should be respected. One of those principles certainly was — one of the consequences of having an Established Church was—that means should be provided by the Legislature for the support of the fabric of the Church. On these accounts he could not concur entirely in any of the plans to which he had alluded. In the course of the discussion, he believed, of the Motion of the hon. member for Exeter, statements were made, which he was happy to find concurred very much with the principles of the plan he was about to have the honour to propose. The hon. member for Boston (Mr. Wilks), who might be considered to speak the sentiments of the Dissenters, said, that it was not the amount, but the principle to which they objected; and he defined that principle to be, the compulsory payment of a tax for the express and immediate purpose of supporting the Established Church. In the same debate the hon. Member for Oxford (Sir Robert Inglis) had stated that, in his opinion, it was essential that the Legislature should provide certain funds for the support of the churches of the Establishment. It had been very satisfactory to him (Lord Althorp) to hear these statements from hon. Gentlemen so well informed upon their different sides of the question, because he was desirous, that the plan of Government he should have the honour to propose should be in accordance with both those suggestions. The plan he had to propose was, that Church-rates should be entirely abolished, and that in lieu of them the sum of 250,000*l.* should be annually charged upon the Land-tax, to be applied in the manner he would state [" *No no!*"]. The hon. Member said, " No, no!" but he would endeavour to show, that his proposition ought to be adopted. The mode in which he suggested, that the sum should be expended was not that it should be applied to all purposes to which Church-rates were now applicable, but merely to the maintenance and support of the parish churches and chapels. For this purpose he would pay that sum into the hands of the Commissioners for building churches,—a body now existing only under a temporary Act, but whom it would hereafter be necessary to render permanent. Under their direction the money was to be laid out, and he apprehended, that it would be amply sufficient for the purpose. By the Returns upon the Table of the House, it appeared, that the sum hitherto yearly expended upon the fabric of the churches was 249,000*l.*; but to the sum of 250,000*l.* to be derived from the Land-tax might be added about 50,000*l.* which was obtained from landed property belonging to the Church. Hence he had no doubt, that the sum he had mentioned would be found amply sufficient; but, in making this arrangement, it was necessary to recollect, that, in a certain number of instances, the Church-rates had been mortgaged, and he proposed that the mortgagees should have the first lien upon the 250,000*l.* Yet, he apprehended, it would be sufficient, because the whole amount thus circumstanced and outstanding with the knowledge of the Commissioners of New Churches was 84,000*l.* There might, indeed, be other sums—he knew that there were other sums—but they were far from considerable, and would all be covered by far less than the amount of 250,000*l.* to be taken from the Land-tax. The House was aware, that as the law at present stood, besides the fabric of the Church, the rector, or the lay impropriator, in consideration of the great tithes, was bound to maintain and repair the chancel. It was the intention of Ministers to relieve him from this charge by placing the chancel on the same footing as the main fabric of the Church. But while he was relieved from this burthen, it was intended to impose upon him the duty of providing all that was absolutely necessary for the performance of divine service. The amount of these necessaries would not be great; and in making this alteration he did not think that the Rector, or lay impropriator, would be placed in a worse situation than at present. In this way he apprehended he should be enabled to provide for all those expenses at present paid out of the Church-rates. Upon the sum to be paid into the hands of the Commissioners would be charged the maintenance of the fabric of the Church, the repair of the chancel, and of the fences of the Church-yard. The articles to be provided by the Rector, or lay impropriator, he need not enumerate; they would be contained in a schedule to the Act he should introduce; and he did not think that the burthen would be found onerous. Other matters of detail he might briefly advert to—such as the support and preservation of the pews in parish churches and parochial chapels; and he thought it would not interfere with the proposed arrangement, if he made those who used them, also keep them in repair. He was informed that such was, at present, the law with respect to what were called faculty and possessory pews; and if it were the law with respect to the rest so much the better, since no new enactment would be necessary. With regard to the visitation fees, he believed that, legally, they were very small; but, undoubtedly, the attendance of Churchwardens at visitations occasioned a large expense to parishes. As far as he could ascertain, their attendance did not seem absolutely necessary, and he proposed to dispense with it; enabling the parochial clergyman to swear them annually, as was now done at visitations, but not taking from them the power of making presentments. The Committee would feel, that in making this change, it would be necessary to impose some fresh check on the expenditure of the money to be placed in the hands of the Commissioners. The present check had been found very insufficient; it was, that when a Vestry decided upon the necessity of making some repair, alteration, or improvement of a church, in voting the money for the purpose, they, in fact, taxed themselves, as they were some of the parties who paid. Under his plan, the reverse would be the case; the money would not be paid by the parish, and without some check the expenditure might be too lavish. The first check would be, that the sum of money to be applied to the purpose would be limited. If the Commissioners found that the calls upon them were greater than they had funds at their disposal, they would be under the necessity of refusing and returning the claim; but, in addition to this first check, it was intended to establish a second, of this nature:—That when the Churchwardens and Clergyman of a parish thought any repair of the fabric necessary, the surveyor of the county should be called in to examine the Church, and to decide whether the opinion was well or ill founded. The surveyor would have to report the result of his examination of the Church to the Quarter Sessions, and the certificate of the Quarter Sessions would be required, in order to warrant any advance by the Commissioners. He believed, that the Surveyors in the different counties of England were almost invariably men of high respectability, and it was the interest of the Quarter Sessions, who had the appointment of them, to take care that they were men upon whom they could rely. This control, together with the limitation of the sum, he believed, would amount to a sufficient check upon unnecessary and extravagant expenditure. It might be said, that he had made no provision for organs, for a large number of bells, or for anything of that kind which might be considered a religious luxury. This was true; and it might be urged, that where these luxuries already existed, it was necessary to preserve them; where it was necessary, he had no doubt they would be preserved by voluntary contributions. It was possible, not to say very possible, that the proposition of the hon. member for Exeter, that the whole should be left to voluntary contributions, would be sufficient; but in the present state of the Church of England, and looking at the principle on which it existed, he did not think it would be consistent with that principle to leave the support of the various fabrics merely to voluntary contributions. He knew not in what spirit or mode the proposition he had just opened was likely to be received; he would not admit, that any man was more sincerely attached to the Church than he was; but he was not at all aware in what way such as were more peculiarly to be looked upon as its advocates and supporters would accept this plan; for the same reason he was ignorant how the Dissenters would take it, but he was perfectly confident that it would place the maintenance of the fabric of the Church upon a better footing than that it had hitherto stood upon. Of this he was sure, that if the existing law remained unamended, the greatest difficulties might arise; if, indeed, the consequence were not that ere long the Churches of the kingdom would be without the means of due repair. The Dissenters admitted that they did not object to the amount, but to the principle of Church-rates; they objected to pay money for the support of a Church in the doctrines of which they could not agree. As far, therefore, as both parties had expressed an opinion, this measure would probably be satisfactory to both. Another point not immediately relevant to the question, but which the Committee would not fail to take into view, was, that the effect of the new plan would be, not only to relieve Dissenters from their scruples, but the people of England from a considerable amount of taxation. It was proposed to apply 250,000*l.* from the Land-tax; but the sum hitherto annually expended upon churches and chapels in England and Wales, and raised by Church-rates, was between 500,000*l.* and 600,000*l.*; it was 560,000*l.* by the latest return upon the table. The relief from taxation pressing upon the body of the people would thus be important, and would amount to the difference, or nearly so, between 250,000*l.* and 560,000*l.* The expenditure had, no doubt, been extravagant in many instances, for sometimes the Churchwardens, and vestry, who ought to have guarded the interests of the parish, were benefited by the expenditure. This year a Churchwarden procured an order for something he thought ornamental, with a view to the perpetuation of his name, and next year, perhaps, a tradesman had influence enough to procure some other expenditure which would be to his advantage. For all these reasons, from whatever cause proceeding, every person who had looked into the subject with whom he had conversed, was of opinion, that by the new plan, extravagant expenditure would be checked and controlled. He had now explained to the House the course Ministers intended to pursue upon this important subject. What might be the objections of the hon. member for Middlesex, who had in the beginning clearly intimated his dissent, he (Lord Althorp) did not know; he could not imagine what ground of resistance the hon. Member would be prepared to take, especially when the proposition went to relieve the people from a large part of the taxation they sustained, by diverting a part of the money now raised by Land-tax to a purpose to which it had not hitherto been applied. He should wait to hear the hon. Gentleman's arguments, contenting himself, at present with moving the following Resolution:—"That it is the opinion of this Committee, that from and after a time to be fixed, the payment of Church-rates shall cease and determine—that in lieu of them, his Majesty be empowered to grant out of the proceeds of the Land-tax a sum not exceeding 250,000*l.* to be applied to the fabrics of the parish churches and chapels in such manner as Parliament may direct."

Mr. *Hume* said, that he could not but confess the disappointment which he felt in the proposal submitted to the House by the noble Lord, the Chancellor of the Exchequer. He did not think that the country would feel satisfied with it. Nay, more, he thought that even those who supported the Established Church would not be pleased with the noble Lord's plan. The noble Lord appeared to him to have had the Bench of Bishops for advisers in drawing up his plan; for no layman could have ever proposed that the sum thus to be raised should be put under the control of the Commissioners for Building and Repairing Churches. He thought they had seen enough of that Commission. It had, by its acts, done more to shake the stability of the Church of England than almost any Commission which ever sat. The result of its operations, in almost all parishes, was, that it had created a strong opposition to Church-rates. He protested against continuing the establishment of this new clerical body, as altogether improper, impolitic, and unnecessary. The next question was, why this matter was brought forward at all? The noble Lord had told them, that the reason was, because the Dissenters objected, on principle, to pay for the support of the Established Church. But had the noble Lord, by his plan, altered that state of things? No; the noble Lord had merely changed the manner in which the payment was to be made. It was merely paying the money out of one pocket instead of out of the other. It was evident, that the Bench of Bishops had been the noble Lord's advisers, from the choice made of a source from which the future revenue for the building and repair of churches was to be drawn. It was to be drawn from the Land-tax—the most secure and least variable of all sources of revenue. The noble Lord had admitted, and he was astonished that the admission should be made, that the greatest extravagance had been practised in the expenditure of the money raised as Church-rates, yet he still proposed to intrust the money to be raised under his proposed Bill in the hands of those very persons who had already, by his own admission, misapplied the funds intrusted to them. He would suggest it, as a more advisable plan, that the clergy should give up the whole of their revenues to the State, and allow the State to provide for them as they ought to be provided for. If they were called on to make a change, he would have a change based on intelligible principles, and not such a mixed proposition as that brought forward by the noble Lord. If the clergy were to enjoy all the revenues which they now possessed, they ought also to build and keep in repair the churches, for those revenues were given to them not for their support only, but also for the support of the poor, and to build churches. He would beg the noble Lord to say, whether the funds left by our ancestors were not sufficient for those purposes? The noble Lord had not stated that they were not sufficient, neither had he stated one sufficient reason why that House should vote 200,000*l.* of the public money for the purpose of building and repairing churches, without knowing whether the Church had or had not sufficient funds for the same purpose. This ought to be inquired into before they proceeded to pledge the House to any course. He objected strongly to the source from which the fund was to be drawn, on account of its inequality. The Land-tax fell most unequally on the people. As an instance of that, he would merely state, that in the county of Lancaster, one of the largest and wealthiest in England, the Land-tax amounted to only 12,592*l.*, while in the county of Norfolk, a county far inferior to the former in wealth and importance, it amounted to 69,792*l.* In Warwick it amounted to 25,000*l.*; while, in Somersetshire, it was no less than 48,000*l.* This showed the inequality of the tax, and he would, therefore, put it to the House whether they could adopt that part of the noble Lord's proposition? In his opinion, the plan proposed would not give satisfaction to any class. So far would it be from tending to satisfy the Dissenters, that it would show them there was no intention of relieving them of the burthens of paying for the support of the Established Church; but, on the contrary, that the intention was, to lay heavier taxes on them; for, undoubtedly, the effect of the noble Lord's plan would be, to oblige the Dissenters to pay more towards the Church than they had hitherto paid. A local would be converted into a general tax. He firmly and confidently hoped, that while Episcopal England would decline the proposition of the noble Lord, Catholic Ireland and Protestant Scotland would each enter its protest against being called on to pay a proportion of the expense of a Church with which they had nothing to do. He was convinced that there might be found means by which the funds necessary for this purpose might be raised without levying any additional burthen on the country. They might abolish those sinecures with which the Church abounded. He saw no reason why the sinecures of the Church should be protected and kept up, while those in the civil and military establishments of the country were in the course of being abolished. And what were the Deans and Chapters but a nest of sinecures, whose existence was in no way necessary to the well-being or security of the Church? If these and other sinecures were done away with, the revenues which they now enjoyed would be amply sufficient for the purposes of the measure proposed by the noble Lord. If that plan were not approved of, let the clergy then give up all their revenues to the State, and trust to the liberality of the country for their support. In doing so, they would only follow the example of his Majesty, who gave up the whole of his hereditary revenue; and he saw no reason why the Church should not do the same. On these grounds, he considered the plan proposed by the noble Lord to be most inconsiderate. He was glad when he heard, that the Government meant to bring forward a proposition for the abolition of Church-rates; but he could not deny, that he had expected a plan totally different from that which had then been laid before them. He had expected a plan by which Dissenters would be relieved from the burthen of supporting the Church; but being disappointed in that, and finding that Ireland and Scotland, both of which had formerly been exempt from this burthen, were now to pay their share of it, he could not but say, that the proposition was to him most unsatisfactory, as he had no doubt it would be to the country at large. The question then was, what they were to do with the Resolution proposed by the noble Lord? He observed, that by the first part of it it was declared, "that it is the opinion of this Committee, that from and after a time to be fixed, the payment of Church-rates in England and Wales shall cease and determine." To that part of the noble Lord's Resolution he gave a cordial assent; but to the last part, which stated that, "in lieu of them, his Majesty be empowered to grant, out of the proceeds of the Land-tax, a sum not exceeding 250,000*l.*, to be applied to the repair of parish churches," he was as decidedly opposed. He would, therefore, simply move, as an Amendment, "That it is the opinion of this Committee, that from and after a time to be fixed, the payment of Church-rates in England and Wales shall cease and determine."

Mr. *Gisborne* thought, that the feeling as to the necessity of a Church Establishment for the propagation of religion, was most erroneous. They might as well propose a national medical establishment, and oblige every one to pay for its support. Whether sick or well, all would then be called on to pay the State Physician. If that was an erroneous principle, as regarded a medical establishment, he was prepared to show, that it was not more so than that on which they now supported a national Established Church. The question before the Committee now was merely one as to payment, and what they had to consider was, whether that payment was just or not? It was evident to every one, when the Government made a gift of the Church

Rates to the people of Ireland, that the people of England would not be satisfied until they were similarly favoured. That had turned out to be the case, and the only thing they had now to look to was, whether the measure proposed for England was similar in its effect to that which the Irish had obtained. To him the proposition, as explained by the noble Lord, appeared to be a mere trial of the gullibility of the Dissenters. It was like one of those plans of finance somehow propounded by ingenious statesmen, the object of which was to make the people believe that when they did not pay money directly out of their pockets, though the same amount was raised indirectly from them, they did not pay it at all. Now, what did the Dissenters complain of? They complained, that their money was taken out of their pockets to support the Established Church of England. Would the noble Lord's plan relieve them of that payment?—No.—The money was to be taken out of the general bulk of taxation, to which the Dissenters paid their proportion, and the consequence would be that they should have to pay just as much towards the support of the Church after this measure was adopted as now. This proposition was but a second edition of the Dissenters' Marriages' Bill, which the noble Lord who promoted it said, was to have given satisfaction to the whole body of Dissenters, but which turned out unsatisfactory to all. He agreed with the hon. member for Middlesex, in approving of the first part of the noble Lord's Resolution, which simply declared that the payment of Church-rates should cease; and he thought that the best course which the noble Lord could have pursued, would have been to have brought in a Bill for that purpose; and that henceforth churches should be supported by those only who used them. He totally differed from those who thought that this would be offering a premium for dissent. Either the church should be supported by those who used it, or funds should be raised for that purpose out of the revenues of the Church itself. It was generally admitted, even by the supporters of the Church Establishment, that there were several useless sinecures in it which might be abolished without impairing the sufficiency of the Church itself. The Deans and Chapters, for instance, might be abolished; and he was convinced that, however much the destruction might interfere with the festivities of the clergy, it would not affect the real object, nor impair the utility of the Church Establishment. From this source, then, an ample fund for the repair of Churches might be derived. It could not be said, that the revenues of the Church were too small, and could not afford this burthen on them. There were some thousands of clergymen in the Church wholly without employment, and it was clear, that the revenues must be large which would draw so many more than the necessary number of labourers to the same vineyard. There was another view of the subject, which showed the wealth of the Church, namely this: that for a man of average abilities, the Church was a better speculation than any other. If he had a stupid son—which he thanked God, he had not—with whom he did not know what he should do, he did not know how he could lay out 3,000*l.* or 4,000*l.* for his benefit, better than in the purchase of a presentation to a Church living. It was therefore evident, that the revenues of the Church itself were sufficient not only for the support of the Clergy, but also for the other expenses connected with the Establishment. He regretted that the noble Lord had not brought forward a proposition to which he could have given a hearty assent. He might have brought forward a measure which would have given satisfaction to all parties; but instead of that, he had thought proper to bring one forward which he might predict, without claiming the merit of being a prophet, would be rejected by the House and the country.

Sir *Robert Inglis* said, that before entering upon the question, he wished first to understand clearly the nature of the noble Lord's proposition on one important point. In the Resolution, it did not appear whether the vote which the noble Lord recommended of 250,000*l.* to be charged upon the Land-tax was to be a permanent allocation of that sum, not requiring the annual vote of Parliament, or whether it was to be an annual grant to that amount. He believed, that the former was to be the case, and, if that were the principle upon which the arrangement was proposed, his objections to it would be considerably modified. He owned, that the noble Lord was placed in a situation of some difficulty, in having to answer objections which would come, as it were, at the same time from the north and the south; for while those of the hon. member for Middlesex might be represented as coming from the north, his would certainly be of the most opposite and contrary character that could be conceived. At the same time, he was bound to say, that his objections to the measure were not so serious as he had expected them to be. He objected to the proposition; but yet he gladly saw in it a principle which he was most happy to find adopted by the noble Lord, namely, a recognition of the great and paramount duty of the State, as undoubtedly it was of all States, to supply a public provision for the worship of Almighty God. He hailed the presence of that principle with deep satisfaction; and he was desirous of saying so in the outset, because, however little his Majesty's Ministers might value any approbation coming from him, yet they had acted so contrary to his expectations, in making this recognition, which he conceived to be a high part of their duty, that he should not feel that he was doing justice either to himself or to them, if he did not tender his acknowledgment of their having done so. This, he regretted to say, was the full extent of the approval he could conscientiously bestow upon the measure; for, although the Ministers gave this amount of the public revenue for the support of the Church, yet they could not so fetter the future Acts of that House, or of any other House of Commons, as to place the rights and claims of the Church upon so secure a foundation as that upon which it now rested. He did not believe, moreover, that any benefit would be derived from the measure in the way of conciliating those who had been loudest in the outcry against Church-rates, because their chief objection to the payment was not on account of the amount, but of the principle. [" *Hear, hear.*"] He understood the cheer of the hon. member for Boston to mean, that it was not the amount, then, which created the objection. He would undertake to prove that disapprobation had no honest or just foundation. He would ask the hon. Member to tell him, whether any Dissenter had ever purchased or taken a lease of a house, without the charge of Church-rate having been taken as an element in the calculation of its value, as much as the Land-tax, or Poor-rate, or Water-rate, or any other charge whatever? And, he would then ask him, if that were so, whether that person paid the Church-rate as a Dissenter, or as the owner or occupier of number 10 or 12 in such or such a square? It was precisely and strictly as an element of charge upon his property, as he had bought it, that a Dissenter, as well as every other man, was called upon to pay his proportion of Church-rates. If the amount had been raised by a poll-tax, then the Dissenters might have complained of being included in its operation; but he could not understand, how any person upon the principles of honesty, as between man and man, he having purchased a house or land, with certain liabilities calculated in its value, could come forward and claim to be relieved from those liabilities, upon the ground of holding certain opinions upon points, on which he had, perhaps, changed his mind since the period of making his purchase. He thought those remarks disposed of the question of right and justice. He contended, that the Church-rate was a tax upon property, not upon individuals, and that the Dissenters acquired their property liable to the payment. Another argument on which the noble Lord had rested the necessity of a change was, the spirit of resistance which had been manifested against the making of rates. The noble Lord had not stated what was the extent of this resistance. He should like to ask him how many instances of successful resistance to Church-rates had occurred within the last half-year? From a statement which he had seen, and which he had great reason to believe was a true one, there were not more than fifty parishes in which Church-rates had been successfully resisted within that period. He would ask the House, therefore, to compare these cases with the 12,000 other parishes in which the rate had not been resisted, or where the resistance had been unsuccessful, and then he would ask them whether this was such a manifestation of public opinion, as called for any change? Then, as to the amount paid by the Dissenters, he did not believe that it could amount to anything which could so press upon their resources, as to be deemed a grievance on that account. The whole amount raised by Church-rates in England and Wales, was 566,000*l.* a-year. He would ask any Gentleman, whether the Dissenters' share of this payment could be estimated at more than one-twentieth of the sum? He was sure he might safely say, it was not more than a fortieth. He had very strong reasons for believing, that, whatever proportion of Dissenters might be in the towns, the very great preponderance of the number of the Church throughout all the rest of the population, would give that difference. The Church-rate amounted to about *3d.* in the pound upon the whole landed rental of the kingdom; and, he would ask any one, whether the Dissenters could be supposed to pay more than one-fourth of a farthing in the pound upon the rental? Why, then, if the amount they were called upon to pay was so trifling, he came again to the position, that the objection of the Dissenters was not to the pecuniary burthen, but to the necessity of their supporting the Church. This being so, how, he asked, would their case be changed by the proposition of the noble Lord? The only difference it would make to them, would be, that instead of paying the Churchwarden, they would have to pay the tax-collector. Instead of being relieved in point of amount, he believed that they would have to pay more; but whether they paid more or less, the burthen on the conscience would be just as heavy as before. For refusing to admit this claim of conscience, he gave the noble Lord full credit. He admitted the doctrine, that no man's conscience ought to be bound by the conscience or views of another. But, on the other hand, he held that no doctrine was so subversive of public and social justice, as that one man's conscience should be allowed to limit another man's rights. He would ask, then, what right of conscience could the Dissenter put forward as a justification of his refusal to pay that charge, which he had agreed to pay, when he purchased his house or his lands? This charge of Church-rate upon such property was one of the most ancient upon record. It was a custom of the Saxons in the time of King Ina, when Church-scot or Church-rate was levied by law. This was a title as good as any Statute could make it; and, until he was taught that fourteen centuries of possession was not a good title to property, he should continue to say, that the Dissenters were bound in conscience, as well as in law, to pay Church-rates. But the hon. member for Middlesex said, that there was another point, besides that of conscience, which hurt the Dissenters, and that was, that they were called upon to pay for upholding an institution from which they derived no benefit, and that he considered to be an unjustifiable act. Why, did the hon. Member mean to say, that no man in the State should be called upon to pay for what conferred upon him personally no benefit? If the hon. Member deliberately abided by that proposition, he would only ask him, whether he meant to contend, that no man in London ought to be made to pay for the police in London, but the thieves in London? He assured the hon. Member he meant nothing personal by the illustration; but to put it more directly, he would ask if the hon. Member would have no persons pay towards the expenses of our Law Courts, who never went to law. He really believed it to be a fact, that in point of numbers, whatever might appear to the contrary, in any particular towns or districts where the principles of Dissenters prevailed, the vast majority of the population of England had been bred up, and were living in communion with the Established Church. He begged it to be understood, that he did not use the word "communion" in an ecclesiastical or sectarian meaning. He meant merely to assert, that a preponderating number of the population of this country professed the religion and doctrines of the Established Church. That there were towns in which Dissenting principles appeared to predominate was certainly true. He would mention, however, only one instance, to show, that these formed the exception and not the rule. It appeared, by a Return upon the Table of the House, that the total amount of Lancashire was 1,056,000 persons; of whom only 255,411 were Dissenters, including members of the Church of Rome. The members of the Church of Rome were 144,244, and the Dissenters, or persons not members of the Established Church, 111,167. Another point in the question was, the amount of incomes of the two classes. Upon this point, though he was fully prepared with evidence and arguments, in case of necessity, he did not wish to enter, unless called upon so to do. His firm conviction was, that both in respect to numerical amount and civil condition, the Dissenters of this country were a very inconsiderable portion of the aggregate community. With such conviction upon his mind, he could not but think that the extent of the grievances complained of had been grossly exaggerated.

In conclusion, however, he would unfeignedly thank the noble Lord, for the principle which he had admitted, that the people should be called upon to pay for the support of the Church Establishment of the country.

Mr. *Divett* said, that he believed, contrary to the remark of the hon. Baronet who had just taken his seat, that the evils of the existing system were much underrated. As to the proportion of Dissenters to Churchmen, he would only say, that though nominally there were more Churchmen than Dissenters, yet a greater number of Dissenters than members of the Establishment attended divine worship. For his part, he thought it was most unjust to compel persons to contribute to the support of a Church from whose doctrines they dissented. He was not a Dissenter himself; but he was bound to say, (and he knew that he was speaking the sentiments of his constituents) that he could not agree to that part of the noble Lord's plan which went to provide the substitute. He admitted, that his noble friend evinced a desire to relieve the Dissenters, but his noble friend had failed in realizing his own wish. But he was quite convinced, that the Dissenters would feel themselves aggrieved by the small part of the Church-rates which the noble Lord had allowed to remain. The hon. Baronet who spoke last, understated the number of cases in which a successful resistance had been made to the levying of Church-rate, but taking the case upon his showing, was it not to be deplored that a contest of this nature should be continually going on between Dissenters and the Church? It was, in his opinion, much to be regretted, that in the whole matter of the Church-rates, there should be any thing of compulsion, and nothing of voluntary contribution. He was sure it would be far more advantageous to the Church, and more satisfactory to the great body of the people, if an opportunity were generally afforded them of doing something similar to that which he had recently witnessed in a country parish, where it was most gratifying to observe the manner in which the call made under the King's letter was responded to—he alluded to the recommendation on the subject of building additional churches. He regretted, that the proposition of the Government was such as to impose upon him the necessity of supporting the amendment of the member for Middlesex, which, under the present aspect of the question, ought to be supported on the broad ground that no individual ought to be compelled to pay for the maintenance of a Church from which he conscientiously dissented. He begged, however, that it should be distinctly understood, that the vote he intended to give, was not the result of any hostile feeling towards the Church, but merely from a sense of what, in fairness, was due to the Dissenters.

Mr. *Wilks* considered it quite a mistake to view the present as a question exclusively affecting the Protestant Dissenters; and he might be allowed to say, that the members of the Church themselves were deeply interested in the proper, equitable, and satisfactory settlement of that long-contested question. Moreover it was not a question between mere classes of religionists; it was one of great national importance, and should not be taken up on any narrow or limited ground: it was not only a matter of the highest moment in a national point of view, but in one of morals and religion; for what could be more destructive to the right moral and religious feeling of the people at large, than that the body of men from whom they were to derive spiritual consolation and instruction, were to stand towards the people in the light of tax-gatherers? He sincerely regretted, that a more liberal proposition had not been brought forward by his Majesty's Government—that some principle was not recognized, according to which Dissenters might be exempted from contributing to the expenses of a worship which they never attended, and the support of a Church whose doctrines they did not acknowledge. There was, as almost every hon. Member knew, the greatest exaggeration practised with regard to the members of the Established Church. He had means of knowing how the matter stood in the principality of Wales; and he could testify how indignant the feeling was with which the inhabitants there viewed the impost. No fewer than three-fourths of the inhabitants of Wales dissented from the Established Church; and, in the course of the present century, they had established not less than 1,560 places of public worship, every one of which was raised at their own expense, though they endured all the while the grievous burthen of maintaining a Church to which not only they did not belong, but from which they openly dissented. He would ask, upon what ground of justice or expediency could the country be called upon to pay such a sum as 250,000*l.* for maintaining, building, and repairing Churches? He objected to such a burthen upon the nation, but he objected to it, not alone because the people were already severely taxed, but on account of the nature of the burthen. It was not merely the amount, but the principle to which he took exception. He was surprised to hear the hon. Baronet remark, that the tax would not amount to one-fourth of a farthing in the pound. But what would be the amount of the grant to Maynooth? Not the twentieth part of that fraction of a farthing; and yet the hon. Baronet was one of those hon. Members, who, on a former night, resisted the grant to the College of Maynooth, conscientiously considering that it was at perfect variance with the principles which they conceived it their duty to support. It was not the amount of the tax, but the principle of taxation, which lost England her American colonies. It was not the amount of ship-money, but the principle of extortion, which Hampden resisted. On similar grounds, he should say, that whether the sum were 560,000*l.*, or 250,000*l.*, the Dissenters were equally called upon to resist the payment. As conscientious men, the Dissenters were called upon to refuse contributions to a Church from which they were in their religious capacity as much separated as it was possible. In no point of view could this question of Church-rates be presented, in which it did not appear as a grievous and distressing impost—as an infringement of religious liberty—for the restraint was the same whether it presented itself in the form of a pecuniary payment, or of personal imprisonment. The principle for which the Dissenters contended was, "that every man has a right to worship his God according to his own conscience, and that he cannot be required, consistently with justice, to contribute a doit to the support of a form of worship which his conscience condemns." And if any Dissenters did not act on that principle, they deserved the respect neither of the Established Church, nor of those to whom they professed to belong. And why should the Government, why should this House, why should those attached to the established religion require, even under this modified aspect, any contribution from Dissenters? It was said that to assent to the principle of voluntary payments for the support of religion, would be the destruction of all religion; and that there would be no pious homage to our Creator, if extorted contributions should cease. The best practical reply to that was the fact, that upwards of 3,000,000*l.*, within the last century, had been contributed by Protestant Dissenters, to rear their own places of worship, and maintain their own ministry. Though they might be as destitute of wealth as the hon. Baronet had assumed, and he admitted that they had no sinecures, nor cathedrals, nor palaces; but still they had been able to provide for the worship of their Maker. Nor was the present race, increasing in numbers, less attentive to this. The Dissenters were at this time paying annually from 300,000*l.* to 400,000*l.* to support their chapels, to maintain their ministers, to educate the poor, to circulate the Scriptures, and to diffuse Christianity on earth. They were rich in the brightest glory; and in that wealth he trusted they never would decline. But it was not by this comparison, to which he had been provoked by the challenge of the hon. Baronet, the member for the University of Oxford, that he would advocate the cause of the Protestant Dissenters, nor urge his objections to the second proposition of the noble Lord. Even if they were less numerous, less wealthy, less united, less pious, and even if they rendered less assistance to freedom and the laws, and took less interest in the instruction of the people, yet ought they not to be compelled to contribute to the churches of an establishment to which they objected. The present proposition must rather increase than lessen their complaints. Now they had power in vestries to interfere and could often prevent the charge; but of that right, by the proposed boon of the Government, they would be deprived. They objected to an alliance of the Church and the State, which this boon would render firm, and rivet for ever. But the hon. member for the University of Oxford alleged, that the Dissenters' applications against Church-rates were as unprincipled and dishonest as would be a resistance to tithes—that both were charges on property acquired with a knowledge that such charge must be borne. Between tithes and Church-rates the distinction was clear and palpable. Tithes were bad enough; but Church-rates were far more indefensible and harsh. They were imposed in a manner that opened the door to every abuse. No purchasers of property could calculate the amount that, by waste or extortion, they might be bound to provide. They were levied too by an annual vote of Churchmen, and were peculiarly irritating, because the persons taxed derived no benefit from the burthen. Only this day he had presented two petitions on the subject: one was from the township of Over-Darwen, in Lancashire, five-sixths of the industrious inhabitants of which belonged not to the Church. Within the last twenty years they had erected several places of Dissenting worship, and had raised annually many hundred pounds for the maintenance of their own ministers, the instruction of the young, and for benevolent and missionary purposes; and yet this humble, laborious peasantry, distant from the Church, had had, within the last ten years, to contribute 2,500*l.* towards a new Church at Blackburn; and one of the petitioners alone had paid 350*l.* The other petition came from the borough of Saffron Walden. There the Dissenters were the most numerous; they paid at least half the Church-rates, and had recently been compelled to meet their portion of a charge of several thousand pounds, towards the erection of a new and needless steeple, determined on at a vestry, in spite of their remonstrances, by a majority of one. With such examples, who could wonder that Church-rates were unpopular, and that Dissenters complained? Nor when the hon. member for the University of Oxford blamed Dissenters for resisting Church-rates, let it be forgotten, that they had on many occasions, evinced such liberality as few Churchmen would evince, and allowed first 1,000,000*l.* and afterwards 500,000*l.*, to be voted without any remonstrance on their parts, by the Parliament, for the erection of new churches. Far different methinks would be the conduct of those who blame Dissenters most, if they were compelled like them to vote such monies, or pay annual charges towards the building and keeping in repair the chapels and meeting-houses in which their dissenting fellow-countrymen offered their sincere but simple worship to their God. He hoped the Government would not press that part of the measure which would probably occasion it to be repudiated with disdain. Let them abolish Church-rates entirely. It had been stated by some hon. Members, that there were ample funds belonging to the Established Church appropriated to no salutary purpose, and out of which this 250,000*l.* might be raised. To their suggestions he would add, there were upwards of 13,000 or 14,000 parochial churches and chapelries served by clergymen, and attended by members of the Established Church, and supposing the sum of 250,000*l.* to be raised—then if each clergyman paid his proportion of the aggregate amount, all that he would pay would be annually 15*l.* or 20*l.*; and so would be a sufficiency provided without violating the feelings and principles of Dissenters, and imposing on the people of England, Scotland, and Ireland, the payment of this new and objectionable tax. Nor did he believe that even that fair arrangement would be required. Why should he believe the members of the Established Church inferior to Dissenters in liberality and sacred zeal? It were a libel contradicted by experience to make the imputation, and he believed, from the examples he had seen at Brighton and other places, that if the members of the Church were relied on, their voluntary zeal would supply all that was requisite. He saw, therefore, with great pain, the proposition then before the House, by which a measure received the sanction of his Majesty's Government, the introduction of which their friends must ever deplore. He regretted, that the Ministers had pursued a course which made it necessary on the part of the Dissenters to manifest resistance, and consequently, however reluctant, he must give his support to the Amendment proposed by the hon. member for Middlesex.

Mr. Secretary *Stanley* said, that the King's Ministers found themselves placed in the painful and embarrassing situation of vindicating a measure assailed by a sort of double opposition, each opposing party at the same time entertaining views diametrically opposite; it would be therefore no easy task for him to shape his arguments so as to meet and answer both. He should begin by observing, that he did not hesitate to say, that the Motion of his noble friend was introduced with the view of affording to the Dissenters a measure of liberal and substantial relief, which no man was more ready than himself to acknowledge they were fairly and justly entitled to, and at the same time it was not less an object with his Majesty's Government to bring forward a measure calculated to afford perfect security to the rights of the Established Church. He should very much regret if the statements which the House had heard from the hon. member for Boston were to be received as evidence of the prevailing sentiments amongst the great body of the Dissenters throughout the country. Highly as he might respect the authority of that hon. Member, he could find better authority—namely, the petitions of the Dissenters themselves—for saying, that they did not desire the severance of the Union at present subsisting between Church and State, and it was of the very essence of that union that the State should, out of the public funds, defray the expenses of the religion it established. If there was anything more than another which constituted an established religion, it was that. He was perfectly ready to admit such maintenance of an Established Church ought to be conducted upon principles and in a manner the least irritating and offensive to other parties, both as respected the amount and the mode of collection. He was equally ready to acknowledge that Church-rates, as they stood, formed to the Dissenters a serious and substantial grievance. To afford them real relief from that grievance was the object which his Majesty's Government had in view, but his hon. friend, the member for Oxford, objected to the proposed measure as endangering the security of the Established Church. Now, so far was he from participating in the fears of his hon. friend respecting the security of the Established Church, it was his full persuasion that no step could be taken better calculated to fortify its true interests than the proposed measure of his noble friend. His hon. friend appeared quite to mistake the temper of the times when he supposed that the people of England were not decidedly adverse to Church-rates in their present form. His hon. friend had said, (and he appeared to attach considerable importance to the statement,) that it was only in fifty or sixty parishes that anything like successful opposition had been offered to the levying of Church-rates; but his hon. friend had not stated in how many instances opposition had been put down for a time in order to be renewed at a future opportunity, should no proposition be brought forward by the Executive, and submitted to Parliament for the relief of Dissenters and all parties upon whom that burthen might unjustly press. His hon. friend forgot to tell them how many hundred parishes there were waiting to follow the example of those which had successfully resisted, should the decision of the Legislature give them no hope of relief. He would ask his hon. friend what would have been the spirit of disappointment, the effusion of bitterness, with which the news would have been received throughout the parishes of England, if the payers of Church-rates were to be told that Parliament, acting under the advice of his noble friend, had not only determined to adopt no remedy, but were resolved to uphold the original form of Church-rates to their full amount, with all that was vexatious and oppressive in their mode of collection, or unnecessary in their amount? Did his hon. friend think, that the best mode of advancing the true interests of the Church was by maintaining every one of its abuses? Did any man suppose, that those interests were to be promoted by a profanation of the Church itself year after year—by a desecration of the House of God by a squabble about Church-rates at each succeeding Easter? But though he addressed those arguments to his hon. friend, he was by no means prepared to go the length of agreeing with the hon. member for Boston, in not only relieving the Dissenters, but in abolishing Church-rates totally. He was not prepared to leave the Church without the means of defraying those expenses hitherto supplied by the rates. He was not prepared to sacrifice the Established Church: neither did he believe that the great body of Dissenters required any such sacrifice. His wish was (and he persuaded himself that a very large proportion of the Dissenters participated in that sentiment), to have the Church maintained, not in splendour or luxury, but with a decent and becoming convenience suitable to the religious feelings of the people. It was perfectly true that hon. Members objecting to the Motion had dwelt more on the principle than on the amount; but nevertheless, even the amount appeared to be a fatal objection with the hon. member for Middlesex, who talked of the proposition as one imposing an additional burthen on the people. Now, instead of its being an additional burthen, it was a relief to the extent of 310,000*l.* The present amount of Church-rates was 560,000*l.*, while 250,000*l.* was the sum which his noble friend proposed in their stead, leaving, as he observed, in favour of the public a balance of 310,000*l.* But there was not only an actual relief to that extent, but a very considerable diminution, or, he should rather have said, a total removal of all that was irritating and offensive in the mode of collection. The speech of the hon. member for Boston was in its tendency and effect decidedly opposed to the whole system of the Church: and when he urged his objection to the existing rates, the hon. Member aimed obviously at the total separation of Church from State. The representation that the plan of his noble friend afforded no relief was anything but borne out by the fact. Was there no relief in removing the specific charge on individual parishes and spreading the expense over the nation at large? With what consistency did hon. Members who supported the grant to Maynooth College—who agreed to 25,000*l.* for the Presbyterian clergymen of the north of Ireland—who consented to the support of the academy at Belfast—with what consistency did they come forward and say that the State should contribute nothing in lieu of the rates to be taken away from the Church of England? The hon. Member for Boston seemed altogether to overlook the circumstance that the local and specific grievance was removed by the contemplated plan. He would illustrate his view of the matter by reference to a particular instance. At the present moment the inhabitants of Dublin paid a small fraction in the form of customs, excise, or stamp, towards the 10,000*l.* or 8,000*l.* grant to Maynooth, and of that slight burthen they never made the slightest complaint; but let the tax-gatherer come to their doors and tell them—tell the Protestant inhabitants of Dublin—that they were exclusively taxed so much in the pound on the value of their houses for the benefit of Maynooth College, and there would soon be as great a disturbance in Dublin as there was now in England on the score of the Church-rates. The man who before that, thought nothing of the contribution to Maynooth, or if he did think of it did not estimate his contribution at more, perhaps, than the hundredth part of a farthing upon any article paying duty at the Custom-house, would become indignant at the idea of paying so much in the pound on the value of his house for the maintenance of Maynooth College, and he would naturally complain and clamour against maintaining an exclusively Catholic establishment. That, be it remembered, was the species of grievance from which the measure of his noble friend proposed to relieve the country in the matter of Church-rates. That burthen, which before was really a grievance, would now be scarcely felt. If the present proposition should unhappily be rejected, let the House remember, that by such rejection they would be practically refusing to do away with an immense amount of vexation that was found in almost every parish of the land. In rejecting such a proposition, let them remember the immense amount of responsibility which they assumed, the quantity of ill blood and heart-burnings which they perpetuated as well as the annual desecration of the House of God Easter after Easter. He entreated them to consider well before they arrived at any such conclusion. He knew not what others might think on the subject; but if the proposition of the hon. member for Middlesex were adopted, his Majesty's Government could not assume the responsibility of carrying to its conclusion any such measure as the present, for they could in no shape be parties to taking away the only provision which the Church had for a certain description of expense, and leaving it without any substitute. The Government had brought before the House the present plan, because they considered it rational and sober, and such as ought to give satisfaction to the great body of Dissenters as well as to those who were connected with the Established Church; and he trusted there were on the one side and on the other liberal and enlightened men, who, taking a sober and dispassionate view of the question—looking to the manner in which Government had dealt with it—seeing in it an earnest desire to remove practical grievances and real abuses, and to limit the amount contributed by the State to that which was sufficient only for the decent and fair maintenance of the celebration of the worship of the State—(he meant the worship of the Church supported by the State)—whose establishment he considered as founded upon and essentially connected with the interests of religion in the country;—it was to be hoped, he repeated, that regarding the present measure with those feelings, it would receive the sanction and approbation of all enlightened and liberal friends of existing institutions. Sincerely and in every point of view was he anxious to grant to the Dissenters of the country every reasonable concession, and remove every real ground of complaint; but if unhappily they rejected proposals brought forward mainly to conciliate them, and to remove their well-founded objections, the Ministers, at all events, would have the satisfaction of feeling that they had performed their duty by propounding what they considered a fair and reasonable measure, and which ought to have led to the re-establishment of peace and harmony between persons of different sects and persuasions.

Mr. *Harvey:* The right hon. Gentleman who has just addressed the House has made an appeal to our sympathy in alluding to the peculiar position in which the Administration, of which he forms so distinguished a member, might be placed, or rather in which it stands. He tells us, on the one hand, that Government have to contend with those, whom he rather insinuates than asserts to be the enemies of the Church; and, on the other hand, with those who are presumed to be the uncompromising advocates of the Church in the whole integrity of its power and resources, and that between these two evils the Government have at length proposed a measure, the result of much reflection, and of which they call on the House and the country to pronounce an opinion of absolute approval. It is the duty of every Member of this House, however painful it may be to him—and of all situations it is probably one of the most painful—that, with every disposition to support the general principles of the Government, he is sometimes placed in the position of appearing as its enemy, by the oft-times false position which the Government so frequently assumes—by making experiments to substitute small stratagems and smaller details for great and enlightened principles. The right hon. Gentleman has stated, that he, he emphatically says "he" is prepared to concede to the Protestant Dissenters all reasonable grounds of complaint. What is, let me ask, the ground of complaint of the Protestant Dissenters of England?—Of those generous and disinterested men, to whom the present Government mainly owe their power? What are the objections raised by those individuals? It is not to the paltry payment of the Church-rate, taking the amount to be full 600,000*l.*, aggravated as their objection to it is by the extravagance of its amount and the profligate manner in which it is expended, but because, as Christians, taking the Bible as the sole source of their faith and hope—as Protestant Dissenters, they are called on to support a Church, from the doctrines or discipline of which, each or both, they conscientiously, disinterestedly, and unequivocally, dissent. I call on hon. Members, whether they be the immediate advocates of the Church, or members of the Government, to stand forth boldly and fearlessly, and grapple with this proposition—as Christians and as Protestants let them do so; for we should ever remember that we are a Protestant country; and what, I ask, is the interpretation of Protestantism? The right of every man to think for himself in matters of religion, taking the Bible as his sole interpreter. On what ground do the Protestants of the Church of England dissent from the Roman Catholics, but as claiming the inalienable right of private judgment in matters purely spiritual? In that respect members of the Established Church are Protestant Dissenters. Or do the Protestants of the Church of England stand on numbers? Are they prepared to say that religion is a mere question of articles, in which all points of faith, doctrine, and discipline are to be tried and settled by the test and voice of numbers? If so, on what principles can you rest your defence of your conduct towards your fellow-citizens in Ireland, whom you compel to support a Church from which, in grave essentials, nine-tenths of them dissent? It would be a gross insult to the understanding and the heart to treat the religion of any man as a mere matter of numbers. The honest profession of any religious opinion, however erroneous in the view of others, cannot fail to impart comfort and consolation to the mind, and for which opinion man is not, and never can be, amenable to any human power. Every human being has within him an altar—the altar of the heart—on which he delights to offer that incense to the Supreme Being which he believes to be the most acceptable—the homage of a grateful spirit to that unerring power to whom he owes his being—to whom he bows in reverence—by whose hopes he is inspired, and by the fears of whose displeasure he guides his course. This is, indeed, a paramount principle; and whenever you depart from it, that moment you cease to be Protestants, and assume the power claimed and exercised by the Church of Rome to impose articles of faith on the human conscience. Concede this doctrine, and what is the next step? If you establish a religion by law, by law you ought and must sustain it, and it then becomes as much a violation of law to dissent from that religion which is established by law, as to violate any other statute whatever that passes the Legislature as a guide for our social or individual conduct. It is loudly asserted, that the Protestant Dissenters of England are enemies to the doctrines of the Established Church. This charge greatly surprises me, especially in this House, the great majority of whose Members, not only from education, but conviction, profess the doctrines of that Church. Let me inquire of these hon. Members whether they are members of the Church of England merely because it is a Church established by law, or because they believe its doctrine and discipline to harmonize with the spirit and injunctions of the Gospel? Am I to understand, that if this House were to dissolve the connection now existing between Church and State, the Church would cease to be an object of your reverence and affection, and that the cessation of that connection is to work the immediate extinction of your attachment—that your religion would fall still-born to the ground, the baseless fabric of your apostacy and desertion? I will not think so meanly of the disciples of your Church. The objection urged by the Dissenters to the Church of England is not its principles, as the hon. member for Boston (Mr. Wilks) most justly says—by far the greater proportion of the Dissenters of this country are essentially of that faith professed by the Church of England, and significantly designated evangelical—but they are opposed to an alliance with the State which they conscientiously consider not only to be unholy and unsanctioned by any scriptural authority, but which they also regard as highly detrimental to the progress and triumph of true religion. I am addressing many hon. Gentlemen to whom it is well known, that some of the most distinguished ornaments of the Established Church—men who have enriched the pages of our literature, and adorned their profession by their lives—have been of opinion, that the alliance of the Church with the State was one of its least envied attendants, and that they should be well pleased to witness its dissolution. But to come more directly to the plan of the noble Lord. Stript of all details, what is it? It is a proposition, if not directly to tax the people to the extent of 250,000*l.* a-year, at least to take away from the available resources of the country a sum of money to that amount. The right hon. Secretary of the Colonies, in the course of his speech paid a sort of suspicious compliment to the hon. member for Middlesex. and seemed to underrate very much the intelligence of those persons who treated the plan of his noble friend as a financial plan. The noble Lord, in his statement of his budget, said, that he had reserved a surplus of 500,000*l.* wherewith to meet probable contingencies; but now he takes away from this sum 250,000*l.*, to be deducted from the Land-tax—a tax, be it remembered, which constitutes a part of the ways and means of the country as certainly as any other item. But there are other objections to this plan. Is it not one of the most insulting propositions that could possibly be made to the Protestant Dissenters of this country? For it proceeds upon the degrading supposition, that the Dissenters only desire to be relieved from the name of the tax—that they only wish to have their property exempted from the Church-rate, but are ready to support the Church by any more general measure of taxation. This is cruel mockery. Whatever name the tax bears, or however raised, if raised to build Churches, and support clergymen, the objection is equally strong and decisive. If we are to have an Established Church, it must be supported; for the idea of an Established Church without revenue is as unintelligible and absurd, as the idea of an Established Church without clergymen. But we are not on the present occasion called upon to say, whether there ought to be any Established Church. What we say is, that you have a revenue more than sufficient for the support of the Church and its ministers. An hon. Gentleman who preceded me (the member for the University of Oxford), and who is regarded as one of the most earnest adherents of the Church, and who is most cautious in making concessions to those who differ from him—so that any thing coming from him as a concession, must by us be taken as little less than a canon—observed, that the State ought to furnish no more for the support of the Church than was necessary. But what do you now propose to do? You now propose to give, by way of tax, a quarter of a million a-year to the Church, keeping us all the while in the dark as to what the resources of the Church really are. Before we can be in any sense called upon to appropriate a portion of the revenues of the country to the maintenance of the Church, it is only decent that we should be informed of the amount of the real available property of the Established Church. And I cannot think, that the noble Lord is acting a friendly part, or evincing the attachment he professes, when he leaves the amount of ecclesiastical revenues as a matter entirely for speculation. I firmly believe, as the result of much laborious inquiry, and from the examination of various documents and testimonies, open to every gentleman, that the revenues of that Church to which the noble Lord proposes we should vote 250,000*l.* per annum, cannot be any thing short, if fairly valued, of 5,000,000*l.* per annum. If this be so (and the calculation is warranted by the silence of the noble Lord, and by the absence of those returns which would set the matter at rest) are we to be told, that this Church, which does not gather under its wings one-half of the population of this country—a Christian Church, moreover, the basis of which is, if not the abhorrence, the disdain of all worldly grandeur—whose boast it is, as proclaimed by her ministers, that the kingdom they teach and practise is not of this world. To them the unhallowed attractions of the world have no allurement—that they disdain all those vain and artificial distinctions which are thrown around the paths of worldly-minded men—that their views are directed to things which are unseen and imperishable—that they are ever and meekly tending to that state in which piety and goodness will find an enduring reward—that they drink at that fountain whose waters are deep, pure, and heavenly. If, I say, this be the spirit of the Established Church, can any man stand up and say—will any man honestly assert—that it is impossible to sustain a Church whose ministers are thus inspired, at an annual cost of less than 5,000,000*l.* a-year? Oh! what a humiliating avowal is this!—the bare declaration is fatal to the Church. If this, indeed, be true, there must be something in the principles of that Church too political to have any connection with that pure and unearthly faith which disdains and denounces the hypocrisy of pride, while it speaks peace, and hope, and joy, to its meek and lowly followers. The right hon. Gentleman who spoke last (Mr. Secretary Stanley) did not attend to some of the suggestions of my hon. friend, the member for Boston, when he said, that by the extinction of Church-rates we should abstract 300,000*l.* from the service of religion. I would ask by what means the Dissenting Church and its ministers are supported? They have no compulsory rate—they have no distress for tithes—they appeal to the voluntary contributions of those who worship within temples erected and endowed by their own free-will offerings. When the hon. Baronet, the member for the University of Oxford, made his comparison between the two bodies, he endeavoured to show, that the Dissenters were, in point of numbers, insignificant, and in point of wealth beneath consideration—yet we find these persons, so beggarly in resources, so insignificant in numbers (statements, indeed, altogether at variance with facts, when contrasted with the Church of England) raising amongst themselves 1,000,000*l.* sterling per annum, for the support of their own places of worship, and the maintenance of learned persons, freely chosen by themselves to administer sacred things amongst them. Yet we are to be told, that the Church of England, embodying the pure essence of Christianity, would, if left to itself, and not supported by compulsory provisions, crumble beneath the weight of its own corruptions,—a mighty ruin, unknown to Heaven, and abandoned by man! Where, I ask, is the Attorney-General of England? Where, I ask, is the Solicitor-General, that he is not present to receive instructions to wield that popular instrument of his authority, a criminal information, against the unsanctified being who dares to utter this blasphemous libel against the Established Church, that its pure Christianity—its sound doctrines—its sacred forms—its decent discipline — its comprehensive creed—would all become matters of contempt beneath consideration, while its ancient fabrics, which now adorn the country as monuments of ancient piety, would become crumbling memorials of your impiety and desertion? It is said, that the Dissenters will find themselves relieved by this plan. So they will, in common with all those who now pay Church-rates, and viewed simply as a measure of finance; but it is only to have a new tax, in another name and form, imposed and perpetuated. Yet this is denied. Let me ask, if you were to extinguish tithe to-morrow, and substitute for it a payment of 5,000,000*l.* annually out of the Consolidated Fund, would not this be a clear and direct dealing with the finances of the country? By either, or both of these measures, you will relieve property at the expense of the people; and thus be doing that which, on former occasions, I have ventured to say we show too ready a disposition to do—namely, relieve ourselves at the expense of others. It was well said by the hon. member for the University of Oxford, that the Church-rate was not less a charge upon property than tithe. This is no fallacy. The Church-rate affects property in the same manner as any other charge. The other day I was called upon to pay 14*l.* for my house in Great George-street, for the repair and maintenance of a neighbouring Church. Now, if I were to sell my house, would not the purchaser inquire after the Church-rates as well as the Parish-rates, the Sewers'-rates, and all other charges affecting property; and having taken them into consideration, would not the amount of them influence the price? This charge of Church-rates, then, you propose to take from property, and lay it on the people—on the poor—on those who are already bearing nearly all the burthens of the country—and this, too, be it remembered, for the sake and in aid of religion—of that religion which was mercifully designed to relieve, and not to rob the poor. I am anxious to impress upon the Government this fact, that, however much they may attempt to disguise it—however much they may hope to reconcile the Dissenters to it, by telling them that they will now only pay 10*s.* in the pound, by substituting 250,000*l.* for 500,000*l.*—they will see, in spite of the change of name—in spite of the chicanery of the contrivance—that it is a charge avowedly to create a fund expressly for the support of a Church, from whose legal establishment they conscientiously dissent. As far as I am acquainted with the feelings of the Dissenters, and I consider myself to be so, I regard it as my duty to tell the Government that the provisions of this measure will kindle stronger feelings of dislike and resentment than even their odious Marriage Bill. It would be far better to let Church-rates alone. The evil would work its own cure, and that at no distant day. Government ought not to deal and dabble in these inconsistent and paltry contrivances; they are beneath them. As to the suggestion thrown out by the right hon. Gentleman (Mr. Stanley), that the Government had to contend with the opposition of the Church, as represented by the hon. member for the University of Oxford, I will observe, that he could not do otherwise than appear a little adverse to the plan. Decency required this, because the measure has the semblance but not the reality of an attack upon the Church; but if we could enter into the conclaves of the Church, I would venture to say, that we should find the right reverend gentlemen assembled there greatly puzzled to suggest anything against it of which they did approve, but not more cordially than it would be opposed by its authors were they now out of office. This scheme, if successful, is in truth a God-send to the clergy, for the Church-rate could not last above a year or two at the utmost. The hon. Baronet (Sir Robert Inglis) says, that there has been no general expression of hostility to Church-rates, although, certainly, in some forty or fifty places, some discontent had been expressed. He enumerated Nottingham, and a few other towns, as having manifested some dissatisfaction, but continued to observe, that as to the country generally, it was as much pleased with Church-rates as with Tithes, and that there was no marked discontent with either. Now, if the right hon. Gentleman is waiting till the Dissenters form themselves into some union, and parade down Parliament-street, and pass over Westminster-bridge, in bodies of 40,000 or 50,000, before he believes in the existence of discontent, it may not be very long before he is thus gratified. Indeed, he himself must know very well that the storm has only been hushed—that the good sense of the Dissenters has induced them to wait and see what the Government would do for them, for they have been told "Government are your friends—tarry awhile until you see what its wisdom and benevolence will offer for your relief—their intentions surpass your expectations—prepare yourselves to praise and bless them for their kindness!" And what is their plan, so long withheld, so eagerly sought? Here we have it—the thing is proposed to us to-night, and a precious thing it is. Never was a scheme in which good intentions were so perverted, and the wishes of those sought to be pleased so little appreciated or understood. We are cautioned, night after night, not to work willing men to death—that the Government does all it can for us—that we must wait a little longer—that Ministers have only been in office four short years—that they have had many things to effect—that they have yet more in store—that if we will be patient, they will try and do something for us. But surely it would have been better for them to have come forward at once and said, "We are of opinion that the same principles which we have applied to the Church of Ireland ought to be applied to the Church of England; at the same time we are firm and decided friends to the Establishment, and are averse to the experiment of dissolving its connexion with the State." These feelings, honestly expressed, would have been understood and respected by Dissenters, who would have been prepared to make great concessions, and the adoption of the sound principle of making the Church in England, as in Ireland, support its own fabric, would have accumulated upon them the affections and attachment of the Dissenting body. It is true that they would have had to encounter the powerful and unbending resistance of another party, yet this need not have been heeded. All they would have had to do would have been to throw themselves upon the good sense and good feelings of the people. When I speak of the people, I speak not of their physical or numerical pretensions, but of the intelligent and well-informed people of England. These were, in days gone by, their mainstay in a trying hour—through them they triumphed over faction and secured Reform, that great measure, through the success of which they obtained power, and through the possession of which, not only the Dissenters, but all honest people in the country were expecting to derive, and I trust are yet destined to derive, large and liberal benefits. What if Government had found a power out of this House—for I will not presume its possibility in this House—too mighty for them, would they have been afraid to meet it? Do they wish it to go forth to the country that they find office so attractive—that office is to them a bed of roses—that to occupy those Benches is so full of secret delights and solid benefits that they are not prepared to bring forward any measure which may in any way entangle them? If they be not so attached to office, which I will not insinuate—why will they not act a straight-forward and manly part—why will they not be honest to the people? At all events relieve us from suspense. It would be better to know the real state of things than for us to be continually calculating on measures of improvement which are never to be accomplished, raising hopes only to dash them with bitter malignity to the ground; making propositions without principle—disturbing everything—settling nothing—and thus pursuing a course which disappoints all hopes and confirms every species of apprehension.

Lord *John Russell* said, he felt it incumbent on him to declare his opinions in opposition to those of the hon. and learned member for Colchester, and to the hon. member for Middlesex. They said, it would give them pleasure, if instead of opposing the measure brought forward by his Majesty's Government, they could have given it their support, which they might have been able to do had it been founded on some broad principle. There were, no doubt, some measures on which the hon. member for Colchester, and the members of his Majesty's Government might agree; yet he should be wanting in candour, if he did not state, that the reason why the hon. and learned Gentleman, and his hon. friend, were continually disappointed at the proceedings of Government, was this: there was a difference of principle between them. The wish of the latter was to preserve and reform; it never would be their object to destroy. The hon. member for Middlesex stated his difference at once. He did not think this a question simply affecting Church-rates. He did not disguise his views, but declared, that if the opinions of the people were prepared for such a change, he would at once bring forward a measure for the separation of the Church from the State, The Ministers acted on a totally different principle. They were of opinion, that the Church was conducive to the promotion of morality, to the maintenance of good order, and to the advancement of civilization: and, moreover, that the doctrine and discipline of the Church of England were consonant to the feelings of the people of this country. In consenting, therefore, to the measure proposed by his noble friend affecting Church-rates, he consented to it on a different principle from those professed by the hon. member for Middlesex and the hon. and learned member for Colchester, who would prepare the way for the abolition of the Church Establishment. He, by removing the grievances in connexion with the Church, desired to maintain the Establishment, which, when adequately Reformed, as he trusted it would be before many years passed over, would, he believed, be again, as it had before been, and as it still was, though not to the extent he desired, conducive to the general welfare of the State. The hon. and learned member for Colchester stated it as his opinion, that if there was a Church Establishment, there must be certain doctrines laid down to which members of the State should conform. This was in effect saying, that in the opinion of the hon. and learned member for Colchester, there could not be a Church Establishment without intolerance. Certainly such was the case with the Church of Rome in former times. In his opinion, however, the reverse was the fact; and he believed it practical to favour one religion, and tolerate every other, as in truth it took place in England. He maintained, that there might be a Church Establishment in the State, supported too by compulsory payments, and yet there might be the most perfect religious freedom. While all contributed towards the support of the Church Establishment, it could not be fairly said, that it benefited one class alone, viz.—that which belonged to the Establishment, but the whole community derived advantage from it. At the same time, he would refuse to enter into the sanctuary of men's consciences: and every man for his belief should be left to his own heart. Every man, too, should be allowed the free performance of those religious observances, and the free profession of that faith which his conscience told him were the best. He would go along with the Dissenters in their efforts to get rid of restrictions on account of their religious belief, so long as they had any such grievances to get removed; but he could go no further. He certainly could not go to the extent of the hon. and learned member for Colchester; and he must express his regret, if in going as far as he was prepared to go—if in removing grievances to the extent to which he was ready to remove them—the Dissenters wished him to proceed further, he must part from them. If he understood the hon. and learned Gentleman, he would not be satisfied with any principle in which an Established Church was recognized; and in that he must at once declare he could not concur. The proposition now before the House was that of setting aside a certain sum out of the Land-tax of England and Wales to be applied to the support of the Church. The funds were to be applied to the keeping of the Church in repair. He did not think that there was in this arrangement anything connected with Divine Worship to which Dissenters could object. Where Dissenters' places of Worship were built, there were invariably congregations in want of them; if the congregations were to fall off, the chapel or meeting-house would be allowed to go to decay. The subscriptions diminishing, the place of meeting would sometimes be removed to some other part of the country. With regard to the Churches of the Establishment it was very different; they were the ancient edifices of the kingdom. The people would be sorry to see their parish Churches falling into decay; yet such would in the majority of cases occur, unless some provision were made for keeping them in repair. The Churches in towns would probably be repaired out of sums that would be raised from private individuals, but in parishes where the population was small, a sufficient amount could not be obtained, and such he believed, would be the regret of Englishmen to see their public buildings perishing, that applications would probably at last be made to that House for votes to supply the necessary funds. The hon. member for Middlesex had offered to the House an argument which, on examination, would be found to be perfectly inconsistent. He said, that the measure would not satisfy the Church: the hon. Gentleman also alleged, that it had the approval of the Bench of Bishops, whose proposition it might, indeed, be considered. Now it must be apparent, that if the Bishops were its authors, and if it had their approval, it was morally impossible that it should not satisfy the Church. But the fact was, that it did not emanate from the Bench of Bishops; there had been no concert—no communication with them on the measure. It was brought forward with the view explained by his right hon. friend, the Secretary for the Colonies, viz., to do away with the perpetual and increasing strife and disputes in parishes, and at the same time to preserve that which his Majesty's Government wished to preserve—the Established Church. He and his colleagues had, of course, little reason to expect the support on this occasion of the hon. member for Middlesex and others, whose object was to destroy; but they did hope to have the support of those who with themselves wished to see the Church maintained, at the same time that they entertained the desire to see its abuses reformed, and all the practical grievances of the Dissenters removed.

Mr. *Cutlar Fergusson* wished, before he consented to the Motion, to know the amount of the Church property, and to ascertain if that were not sufficient to maintain the sacred edifices without having recourse to the general revenue of the country. If that inquiry had been made, and the property had been found deficient, he might not have objected to the measure; but, according to the Statute-book, the Church property ought first of all to provide for the maintenance of the fabric of the Church. He could not agree to the principle of the Motion. He would ask, was the Church-rate charged on the land? By the present measure they would give that to the proprietor of land, or whoever paid the rate to which he was no more entitled, by the argument of the hon. Baronet, the member for Oxford, than he was to tithes. The Government ought to take care that these rates fell on the property which bore them at present; but, instead of so doing, they were about to charge them on the revenue of the country; and they would thus be imposed, not on the people of England only, but, also, on the people of Ireland. The latter had lately been relieved from the Church cess of their own country, and now they were to have imposed upon them a portion of the Church cess of England. In that there was great inconsistency. The measure was said to be confined to England and Wales; but it would affect Scotland also, which country already paid for the maintenance of the fabric of the Scotch Church, and was satisfied with the manner in which that burthen was collected. Why was the Church of Scotland to be saddled with part of the expence of maintaining the English Church? The revenues and property of the Church ought to pay for its support. The effect of the proposition would be to relieve those who had been subject to the tax heretofore, and to place it on those who had never been subject to it. He should support the Amendment moved by the hon. member for Middlesex.

Mr. *Gillon* protested against the measure as one of robbery and confiscation on the people, especially of Scotland and Ireland. He could not but characterize it as a contemptible juggle; while they had professed to relieve Ireland of Church-cess, they now called on her to contribute towards that of England. The plan of the noble Lord would impose a substantial tax on Scotland for the purpose of maintaining a dominant Church already gorged with wealth, revelling in the spoils of a former establishment, and supported by unwilling contributions exacted from overburthened and conscientious men, who disapproved of her doctrines, and could not submit to her discipline.

Mr. *Wynn* felt disposed to give his support to the resolution proposed by the noble Lord opposite; but at the same time he wished not to be understood as expressing any decided approbation of the ministerial plan. He reserved to himself the right of pronouncing an opinion upon it until he had an opportunity of examining its details when embodied in the shape of a Bill. He admitted, that the noble Lord had laid sufficient grounds for the House to entertain the consideration of the measure; and it was only by the previous adoption of a resolution, such as that now before the Committee, that the Bill could be laid before the House. He agreed with the noble Lord in thinking, that the disputes which had arisen on the subject of Church-rates, in different vestries, were likely, if allowed to continue, to prove prejudicial, not only to the peace of particular parishes, but to the general interests of religion. It was, indeed, said by his hon. friend, the member for the University of Oxford, that the resistance to the payment of rates was confined to forty or fifty parishes; but could any one doubt, that the same spirit, when inflamed both by religious animosity and personal pecuniary interest, would progressively spread itself to a much more formidable extent? Another motive for altering, or at least regulating, the mode of imposing these payments, arose from the abuses which had notoriously grown up, and the improper charges which had been included to swell out their amount. For instance, the parish of Christ-Church, Surrey, had been in the habit of voting an augmentation to the income of the minister out of the Church-rates, to the amount of 400*l.* a-year. If that were an augmentation consented to by all the parties who paid Church-rates in that parish, it would be highly meritorious and commendable; but if, on the contrary, it should be imposed merely by a majority in opposition to the wishes of the minority, he could conceive nothing more calculated to create irritation and resistance, particularly if that minority were Dissenters from the Established Church. It was obvious, that if such an allowance could regularly be voted, there were no limits to which it might not be carried. He, therefore, felt that it would be desirable that the subject of Church-rates should be considered by the Legislature; and, at least, some provision made to prevent their being applied to other purposes than for the decent and proper performance of divine service, and for the repair of the Churches themselves. There were parts of the plan of the noble Lord that he did not distinctly understand. In the first place, he did not understand how the sum of 250,000*l.* was to cover not only the repairs to which the Church-rates were now applicable, which considerably exceeded that amount, but, also, the repairs of the chancels. The last expense at present fell upon the rectors and proprietors of great tithes, whether lay or ecclesiastical; and he could not discover on what grounds they were in future to be exempted from the charge, and instead of it be made liable to a small demand for providing the articles strictly necessary for the performance of divine service, such as the sacramental wine, the minister's service, and the books for the reading desk. Neither did he understand how the fund upon which it was intended to charge the repair of Churches could be considered as perpetual or permanent. The Land-tax was liable to redemption; and a large proportion of it, considerably more than one-third, had been redeemed. The high price of the funds had latterly interrupted the purchases, but a renewal of war, or any other cause which depressed the value of stock considerably below that of land, would cause purchasers to recommence, and the land-tax might be completely extinguished, or at least diminished, below the amount now proposed to be charged on it. These, however, were details which might be much more advantageously discussed when the Bill was before the House; there was a question, however, of great importance to be decided by the vote of the House to-night. In consequence of the Amendment which had been moved, that question was,—is it fit, that any man should be called upon to pay towards the support of a particular form of worship in which he does not participate? He answered that question in the affirmative. He said decidedly, that it was fit. It was absolutely necessary, if it was intended to preserve an Established Church—and without an Established Church, he believed it would be impossible to maintain religion in the country—that some fund should exist for the purpose of defraying the charge of repairing the Churches and of providing for the decent administration of divine worship. This object could not, in his opinion, be attained, if it were allowed to individuals to exonerate themselves from any payment in support of the Establishment on becoming followers of Joanna Southcote, professors of the St. Simonian religion, the doctrines of which were at variance with the first prrinciples of society, or adopting any other form of dissent. It was upon this principle, and not because he was a member of the Established Church, that he advocated the connexion between Church and State; for if he were living in a Catholic country, he would willingly contribute to the maintenance and support of the clergy, who taught the doctrines to which the large body of inhabitants adhered. He did not intend to enter into a discussion respecting the comparative amount of the members of the Church of England and the Dissenters; but he wished the House to bear in mind, that the number of dissenting places of worship ought not to be taken exactly as an index of the number of Dissenters. Many dissenting chapels, where the form of worship was not directly at variance with that celebrated in the Established Churches, were frequented by members of the Establishment. He knew this to be the case in Wales, in which part of the empire the Wesleyan chapels, in many instances contained a mixed congregation of Dissenters and members of the Church of England. He certainly was of opinion, that it was the duty of the State to supply to those, whose poverty prevented them from procuring it for themselves, the blessing of religious consolation.

Mr. *Robinson* believed, that the ministerial proposition had been brought forward with a sincere desire to relieve the Dissenters from the grievances of which they justly complained; but he was afraid it would not be attended with that desirable effect. He admitted, that the new plan, as far as it went, was an improvement on the existing system, yet it could not be denied, that its chief effect would only be to make the Dissenters pay indirectly, though not to so great an extent, a tax to which they objected on principle, and which they now paid directly. He concurred with the noble Lord, the member for Devonshire, in thinking, that, for the general good of the Protestant interest throughout the country, the maintenance of the Established Church was desirable, and it was with the view of supporting the Establishment, that he wished to see the Dissenters relieved from every grievance. He should, therefore, give his vote in favour of the Amendment proposed by the hon. member for Middlesex, but not for the reasons which had induced that hon. Member to recommend its adoption to the House. If the House should decide, that Church-rates should be abolished, it did not follow, that some other substitute than that proposed by the noble Lord opposite might not be discovered. He objected to calling on the population of Scotland and Ireland, and many thousands of persons in England, to contribute to a rate towards which they at present paid nothing.

Sir *Matthew White Ridley* thought the noble Lord's plan the least objectionable that could be proposed. It was not to be denied, that, at the present moment, there existed in the country a strong feeling of discontent against the Established Church; and he, therefore, felt it his duty, as a member of that Church, to assist in its support, without infringing on the rights or offending the feelings of his Dissenting brethren. He could not agree with those who thought the ministerial plan ought not to be proceeded with because it did not give entire satisfaction to the Dissenters. Willing and anxious as he was to conciliate them, he was bound to consider, on the present occasion, not what was most agreeable to their feelings, but what was best calculated to remove their well-founded complaints, and at the same time maintain the Established Church in its efficacy. He thought it necessary for the good government of the country, that there should be an Established Church, and he believed, that the separation of the Church and State would tend to weaken the Government and destroy the best institutions of the country, and its pernicious effect would be felt as much by the Dissenters as by the members of the Establishment. He would not, however, throw on the community at large those charges which were incurred for the exclusive benefit of members of the Church of England; and, believing that the plan of the noble Lord would relieve the Dissenters from those grievances of which they complained with justice, while it provided for the maintenance of the Established Church, with which the prosperity of the country and of every institution in it was deeply connected, he should certainly give it his support.

Mr. *Wallace* entered his protest against the ministerial plan, which he said was an insidious attack on the privileges and rights of those who belonged to the religion of his country. He considered the admission made by the noble Lord the Chancellor of the Exchequer, that the people would not pay for the support of the Church of England unless compelled, —though not very complimentary to the Established Church, as very valuable, inasmuch as it showed with what sort of feeling the Establishment was regarded by the inhabitants of the country. He was sure, that the noble Lord would be unable to carry his plan into execution, and he prophesied, that a general resistance would be manifested throughout England, Scotland and Ireland, to the collection of the tax which the noble Lord had proposed to levy.

Mr. *Baines* declared, that the Government plan would not be acceptable to the great portion of the Dissenting community, and believing, as he did, that the Ministers intended to give satisfaction to the Dissenters, he regretted exceedingly, that such a measure should have been brought forward. The Dissenters possessed at present, to a certain extent, a control over the Church, which the proposed plan would take out of their hands by converting the Church-rate into a charge on the general revenue of the country. He wished to know how the Quakers were to be induced to pay the Land-tax, when it was incumbered with another tax for the support of the Established Church? He should certainly vote in favour of the Amendment.

Lord *Althorp* said, that one of the main objects of the Government in bringing forward the present proposition was to give satisfaction to the Dissenters; and he confessed that the mode in which it had been received by those Dissenters who had seats in that House had greatly surprised him. The proposition which he had the honour to submit to the Committee had been treated as if it gave no relief to the Dissenter in point of principle; but he believed there was one class of Dissenters at least, who would not regard it in that light: he alluded to the Quakers. It was well known, that they would not on any account contribute towards defraying expenses incurred specifically for the maintenance of the army, and yet when the army was supported out of the general taxation of the country, he had never heard that they objected to contribute their share. He was well aware, that if Church-rates were converted into a charge on the general revenue of the country, the Dissenters must pay a certain proportion: but he always understood, that the principal grievance of which they complained consisted in being called on to pay money specifically intended for the support of the Established Church. He could not concur with those who said that the plan proposed by him would have the effect of increasing the burthens of the country. In his opinion it would have an entirely contrary effect. It was true, that 250,000*l.* would be added to the Land-tax, but the country in general would be called on to pay 310,000*l.* less than it had hitherto paid. It had been objected by the Representatives of Scotland, that by the plan of Government the people of that country would be called on to contribute indirectly towards the support of the Church of England; but the gentlemen coming from that part of the kingdom ought to recollect, that considerable sums were paid out of the general revenues towards the support of the Scotch Established Church, and that an annual grant was voted for the purpose of increasing the revenues of the smaller livings in Scotland. He was ready to admit, that the plan proposed by him would, to a certain extent, diminish the means at the disposal of Government for the reduction of taxation; but the principal argument used that evening was, that no contribution ought to be made by the State for the purpose of maintaining the places of worship belonging to the Established Church. Now, he entirely agreed with his right hon. friend, the member for Montgomeryshire, that it was the absolute duty of the State to provide places of worship for the poorer classes of the community; and he believed it would be found that, in all Dissenting chapels, the poor were accommodated gratuitously. It had been observed, with some sarcasms, that the members of the Establishment were not so willing to contribute to the support of their Church, as the Dissenters were, to maintain their places of worship. He believed that this statement was not correct; but, at the same time, some inconvenience might naturally be expected, if the people of this country were to be called upon for the first time to meet by voluntary contributions what had hitherto been a legal charge. For the purpose, then, of maintaining the Established Church, and on the higher principle of providing places of worship for the poor classes of the community, he thought that some substitute for the Church-rates ought to be found. He was anxious to remove the grievances of the Dissenters, but he would only do so on one condition—which in his conscience he felt bound to impose on himself—that he did not go so far as to destroy the Established Church. He had always been a sincere member of that Church, and he should regret its separation from the State, not merely from religious feelings, though principally on that account, but also for political reasons. He thought it essential to the existence of the Church that places of worship should be provided for the administration of its rites; and though he was aware that by his proposition he had left a great deal for private and voluntary contributions to effect, yet he had nevertheless maintained the principle, which he contended ought to be maintained, of the connexion between the Church and State. On these grounds, hoping that the measure would not be received by the Dissenters out of doors in the manner in which it had been received within that House, he should persevere in bringing it forward, and, with the permission of the Committee, submit it to the consideration of the country. With respect to what had fallen from the hon. member for Worcester, he really thought that the hon. Member was bound, if he considered that a substitute ought to be found for the Church-rates, not to leave the thing to chance, but to point out what he considered a proper substitute.

Mr. *Hume*, in explanation, denied that he had advocated the separation of the Church and State, or expressed any wish to have the Churches demolished. His argument was, that it did not become the House of Commons to apply the public revenue to maintain places of worship belonging to a Church possessing ample funds for that purpose.

Mr. *Stanley* admitted, that the hon. Member had not advocated the separation of Church and State at the present moment, but he had pretty significantly intimated what his views and intentions would be if he were able to carry them into effect. The hon. Member had observed, that the Church possessed ample means of meeting all its expenses. Now, he begged to observe that if the whole revenues of the Church were equally divided among the ministers of the Church, the income of each would not exceed 300*l.*

Mr. *Hume* said, that all he had observed with respect to the separation of Church and State was, that the present was not the proper time to discuss that question. He intended to press his Amendment; and if it should not be agreed to, he should propose a resolution to the following effect—"that it would be inexpedient to take into consideration any proposition to provide means for the maintenance of the edifices belonging to the Established Church, until the amount of the funds belonging to that Church should be known and found to be inadequate to meet that and other charges."

The Committee divided, on the original Motion—Ayes 256; Noes 140: Majority 116.

Mr. *Wilks* moved, that the Chairman report progress, upon which the Committee again divided—Ayes 136; Noes 263; Majority against the Motion, 127.

The Resolution proposed by Lord Althorp was agreed to.

List of the AYES *on the first Division.*

ENGLAND.

Althorp, Lord
Anson, Sir G.
Ashley, Lord
Astley, Sir J.
Astley, Sir J. D.
Bankes, W. J.
Barham, J.
Baring, A.
Baring, F. T.
Baring, H. B.
Barnett, C. J.
Beaumont, T. W.
Bell, M.
Benett, J.
Bentinck, Lord G. F.
Bethell, E. R.
Blackstone, W. S.
Blunt, Sir C. C. R.
Bolling, W.
Brodie, T. B.
Bruce, Lord E.
Brudenell, Lord
Bulteel, J. C.
Burrell, Sir C.
Burton, H.
Byng, Sir J.
Calcraft, J.
Carter, J. B.
Cartwright, W. R.
Cavendish, Hon. Col.
Chandos, Marquess of
Chapman, A.
Chaytor, W. R. C.
Chaytor, Sir W.
Chetwynd, Capt. W. F.
Childers, J. W.
Clive, E. B.
Clive, Viscount
Clive, Hon. R. H.
Cooper, Hon. A. H. A.
Crawley, S.
Curteis, H. B.
Curteis, Captain E. B.
Crawford, W.
Darlington, Earl of
Duffield, T.
Dugdale, W. S.
Duncombe, Hon. W.
Durham, Sir P. C.
Eastnor, Viscount
Ebrington, Viscount
Egerton, W. T.
Ellice, E.
Edwards, J.
Estcourt, T. G. B.
Etwall, R.
Fazakerley, I. N.
Ferguson, Gen. Sir R.
Feilden, W.
Finch, G.
Fitzroy, Lord J.
Fleetwood, P. H.
Foley, J. K. H.
Foley, E. T.
Forester, Hon. G. C. W.
Forster, C. S.
Fort, J.
Fox, S. L.
Fox, Lieut.-Col. C. R.
Fremantle, Sir T.
Gaskell, J. M.
Gladstone, W. E.
Gordon, R.
Goulburn, Rt. Hon. H.
Graham, Sir J. R. G.
Greene, T. G.
Grey, Hon. Colonel
Grey, Sir G.
Grimston, Viscount
Gronow, Capt. R. H.
Guise, Sir B. W.
Halcombe, J.
Halford, H.
Handley, W. F.
Hanmer, Sir J.
Hanmer, Colonel H.
Hardinge, Rt. Hn. Sir H.
Hardy, J.
Hawes, B.
Heathcote, J. J.
Henniker, Lord E.
Herbert, Hon. S.
Hodges, T. L.
Horne, Sir W.
Houldsworth, T.
Hope, H. T.
Hawkes, T.
Hughes, W. H.
Irton, S.
Inglis, Sir R.
Jermyn, Earl
Jerningham, Hon. H. V. S.
Johnstone, Sir J. V.
Jolliffe, H.
Keppell, Major G.
Kerrison, Sir E.
King, E. B.
Labouchere, H.
Langston, J. H.
Lemon, Sir C.
Lewis, Hon. T. F.
Lincoln, Earl of
Littleton, E. J.
Lopez, Sir R.
Lowther, Colonel H.
Lumley, Viscount
Lushington, Dr.
Lygon, Colonel H. B.
Lyall, G.
Maberly, Colonel
Manners, Lord R.
Marjoribanks, S.
Marsland, T.

Methuen, P.
Milton, Viscount
Morpeth, Viscount
Mosley, Sir O.
Miles, W.
Neale, Sir H. B.
Nicholl, J.
Norreys, Lord
North, F.
Paget, F.
Palmer, C. F.
Palmer, R.
Patten, J. W.
Pechell, Sir S. J. B.
Peel, Rt. Hon. Sir R.
Pendarves, E. W.
Pepys, C.
Peter, W.
Philips, C. M.
Phillpotts, J.
Pigot, R.
Pollock, F.
Price, R.
Ramsden, J. C.
Reid, Sir J. R.
Rickford, W.
Rider, T.
Ridley, Sir M. W.
Rolfe, R. M.
Ross, C.
Russell, Lord J.
Russell, C.
Ryle, J.
Scrope, C. P.
Sanderson, R.
Sandon, Viscount
Sanford, E. A.
Scarlett, Sir J.
Scott, J. W.
Scott, Sir E. D.
Sheppard, T.
Simeon, Sir R. G.
Skipwith, Sir G.
Slaney, R. A.
Smith, J.
Smith, R. V.
Somerset, Lord G.
Spankie, Mr. Serjeant
Spencer, Hon. Capt. F.
Stanley, Rt. Hon. E.
Stanley, E.
Stanley, E. J.
Strickland, G.
Tayleure, W.
Taylor, Rt. Hon. M. A.
Thomson, Rt. Hn. C. P.
Throckmorton, R. G.
Tower, C. T.
Troubridge, Sir E. T.
Tyrell, Sir J. T.
Verney, Sir H.
Vernon, Hon. G. J.
Vivian, Sir H.
Vyvyan, Sir R.
Wilbraham, G.
Williams, T. P.
Willoughby, Sir H.
Wood, G. W.
Wood, Colonel T.
Wall, C. B.
Walsh, Sir J. B.
Ward, H. G.
Warre, J. A.
Waterpark, Lord
Watkins, J. L.
Watson, Hon. R.
Wedgwood, J.
Weyland, Major R.
Whitbread, W. H.
Wrottesley, Sir J.
Wynn, Rt. Hon. C. W.
Yorke, Captain C. P.
Young, G. F.

SCOTLAND.

Adam, Admiral C.
Agnew, Sir A.
Bannerman, A.
Bruce, C.
Callander, J. H.
Campbell, Sir H.
Elliott, Hon. Capt. G.
Ferguson, Capt. G.
Grant, Right Hon. C.
Hay, Sir J.
Hay, Colonel A. L.
Jeffrey, Right Hon. F.
Johnston, A.
Loch, J.
Mackenzie, J. A. S.
Murray, J. A.
Rae, Sir W.
Sinclair, G.
Stewart, Sir M. S.
Wemyss, Captain J.

IRELAND.

Bateson, Sir R.
Belfast, Earl of
Browne, D.
Carew, R. S.
Castlereagh, Viscount
Christmas, J. N.
Cole, Lord
Conolly, Col. E. M.
Coote, Sir C. H.
Corry, Hon. H. L.
Daly, J.
Dobbin, L.
Forbes, Lord
Hayes, Sir E.
Hill, Lord M.
Howard, R.
Lefroy, Dr. T.
Macnamara, Major W.
Macnamara, F.
Martin, J.
Maxwell, H.
Mullins, F. W.
O'Callaghan, Hon. C.
O'Reilly, W.
Perceval, Colonel
Perrin, L.
Stawell, Colonel
Talbot, J.
Tennent, J. E.
White, S.
Tancred, H. W.

PAIRED OFF.
Rice, Hon. T. S.

TELLER.
Wood, C.

List of the NOES *on the first Division.*

Adams, E. H.
Aglionby, H. A.
Bainbridge, E. T.
Baines, E.
Baldwin, Dr.
Barnard, E. G.
Barron, W.
Belew, R. M.
Bewes, T.
Bish, T.
Blackney, W.
Blake, M. J.
Blamire, W.
Bowes, J.
Briggs, R.
Briscoe, J. I.
Brocklehurst, J.
Brotherton, J.
Buckingham, J. S.
Bulwer, E. L.
Butler, Hon. P.
Cayley, E. S.
Cayley, Sir G.
Chapman, M. L.
Clay, W.
Chichester, J. P. B.
Dalmeny, Lord
Dashwood, G. H.
Davies, Col.
Divett, E.
Ellis, W.
Evans, G.
Evans, Col.
Ewart, W.
Ewing, J.
Faithfull, G.
Fellowes, Hon. N.
Fenton, J.
Fergusson, R. C.
Fielden, J.
Finn, W. F.
Fitzgerald, T.
French, F.
Fryer, R.
Fitzsimon, C.
Fitzsimon, N.
Gaskell, D.
Gillon, W. D.
Gisborne, T
Godson, R.
Grote, G.
Guest, J. J.
Gully, J.
Hall, B.
Handley, Major
Harvey, D. W.
Hawkins, J. H.
Hodgson, J.
Hudson, T.
Hutt, W.
Hyett, W. H.
Hill, M. D.
Ingham, R.
James, W.
Jacob, E.
Jervis, J.
Kemp, T. R.
Kennedy, J.
Lambton, H.
Langdale, H.
Leech, J.
Lister, E. C.
Lloyd, J. H.
Locke, W.
Lynch, A. H.
Martin, J.
Molesworth, Sir W.
Nagle, Sir R.
O'Brien, C.
O'Connell, M.
O'Connell, C.
O'Connell, J.
O'Connor, F.
O'Conor, D.
O'Dwyer, A. C.
O'Ferrall, M.
Oliphant, L.
Ord, W.
Oswald, R.
Parrott, J.
Pease, J.
Phillips, M.
Pinney, W.
Potter, R.
Pryme, G.
Richards, J.
Rippon, C.
Robinson, G. R.
Roche, W.
Roche, D.
Roe, J.
Romilly, J.
Romilly, E.
Ronayne, D.
Russell, Lord C.
Russell, W. C.
Ruthven, E. S.
Ruthven, E.
Staveley, J. K.
Stewart, J.
Strutt, E.
Sullivan, R.
Sharpe, General
Scholefield, J.
Sheil, R. L.
Seale, Colonel
Smith, Hon. R.
Tennyson, Rt. Hon. C.
Thompson, Alderman
Todd, J. R.
Tooke, W.
Torrens, Colonel
Trelawney, W.
Turner, W.

Tynte, C. J. K.
Talbot, J. H.
Vernon, G.
Vigors, N. A.
Vincent, Sir F.
Vivian, J. H.
Walker, C. A.
Wallace, R.
Walter, J.
Warburton, H.
Wason, R.
Whalley, Sir S.
Whitmore, W.
Wigney, N.
Wilks, J.
Williams, W.
Williams, Colonel
Winnington, J. H.
Wood, Alderman
Yelverton, Hon. W.H.

TELLER.

Hume, J.

HERTFORD BOROUGH.] Mr. Bernal moved the third reading of the Hertford Borough Bill.

Colonel *Evans* rose for the purpose of proposing an Amendment to the Bill. He objected to the mode in which the large addition was to be made to the constituency of the borough of Hertford. It was proposed to add a large agricultural district to the present borough; and he had heard no reason assigned which could justify such a mode of proceeding. He was convinced, that adding agricultural districts to boroughs would be found to be highly inconvenient. By the Reform Bill an arrangement was made as to the number of Members to be returned by the several classes of the community. They had in some instances made additions of the adjoining agricultural districts to boroughs; but the principle was objectionable. It had made a great change in the constituency of many boroughs, and, in point of fact, had given a great additional influence to the agricultural interest. It was proposed by the Bill to add the twelve adjoining parishes to the borough of Hertford; but eight of those parishes had no connection whatever with the borough, and their population was purely agricultural. If it were necessary to increase the constituency of that place, they might do so by adding a town constituency; but it would, in point of fact, be giving the complete control to the landed interest to carry the Bill in its present shape. He also found that there was no ground for supposing that they would be able to get anything like a good and independent 10*l.* constituency from the eight parishes he had alluded to. He also objected to the Bill on the ground that it would open the door again to that species of influence which had been so much complained of in this particular case, and which it was the ostensible object of the Bill to avoid, namely, to get rid of the ascendancy of the great landed proprietors. It was generally supposed, that one great landed proprietor had exercised an improper influence in the elections of the borough of Hertford, and which had led to so many complaints. He had no objection to the addition of Hoddesdon and Ware to the borough of Hertford, and so much of the intermediate ground as was necessary to connect them; but he protested against the addition of extensive districts, which were purely agricultural. The hon. and gallant Member concluded by moving as an Amendment, "that a Select Committe be appointed to consider the expediency of making a new boundary for the borough of Hertford."

Mr. *Tennyson* said, that he had not heard anything in the original statement of the hon. member for Rochester on introducing that Bill, nor in what had since taken place in the House, to induce him to agree to make such a boundary for the borough of Hertford as was proposed in the Bill. In point of fact, such an addition would be a complete destruction of everything like independence in the borough. The freemen and 10*l.* householders had not been guilty of those acts of corruption which were stated in the Bill; on the contrary, they were specially exonerated in the Report of the Committee. He thought, that the first clause of the Bill was all which ought to pass. It would place the borough of Hertford on the footing contemplated by the Reform Bill. It had been clearly shown by his hon. and gallant friend, that there were not any grounds for making such a preposterous, and he must say even ludicrous, addition as was proposed, to the borough of Hertford. To make such an addition to the borough would at once place it under the control of the agricultural interest. If it were desirable to make such a change it, should have been done under the Reform Bill, but to do so now would be highly objectionable. Those who framed the Reform Bill, and, above all, his noble friend the Paymaster of the Forces, adjusted the representation to the state of the different interests in the community. This adjustment would be destroyed if they proceeded in such an offhand manner to throw large agricultural districts into boroughs. He agreed to the proposition of the right hon. member for Tamworth on a former occasion, and he regretted much, that it had not met with the approval of the House. He had no objection, however, to extend the constituency of Hertford, if he could find any persons of the same class as the present voters for that borough in the immediate neighbourhood. On that ground, therefore, he did not object to add Hoddesdon and Ware to Hertford, and give the ten-pound householders of these places votes for Members of Parliament. By the latter course, as their interests were the same as those of Hertford, he did not destroy the arrangement made under the Reform Bill, but rather promoted it, by adding to the constituency without swamping the town voters in the borough. That Bill, however, would increase the influence of that interest which it had been repeatedly asserted had already too much influence. It was stated, that there were at present only a very few voters in some of these agricultural parishes. It might be the case; but what was there to prevent the landowners dividing their land into a number of small tenements as had been done elsewhere, for the purpose of making voters? It had been stated in a petition presented by the hon. Baronet, the member for Buckingham, that 18,000 acres had been added to that borough by the Reform Bill. A noble Duke, the owner of land in that neighbourhood, had made a great addition to the number of voters in the borough by dividing a large piece of land. He had built cowhouses, sheds, and other small buildings, and had thus made voters, all of whom were his own tenants-at-will. In the present case, however, not less than 32,000 acres were to be added, and he would ask whether it would not open a door to the exercise of the most improper influence? Would it not enable the landed proprietors in the district to swamp or sluice the town voters? It might be said, that the only additional voters the agricultural interest would get for these eight purely agricultural parishes was eighty-nine, while the number of new voters for the other five parishes would be one hundred and seventy-six, and that, therefore, a much greater number of town than country voters was made to the constituency of Hertford. Admitting that to be the case at present, what was there to prevent the number of voters in the former parishes being increased to almost an indefinite extent? The Bill of his hon. and learned friend (Mr. Bernal) went, in point of fact, to amend the Reform Bill, without any cause having been shown. If they agreed to that Bill, any Member might rise in his place and propose an addition to the voters of a borough, without assigning any reasons, or having any Committee. If the principle proposed to be acted upon in the case of the borough of Hertford were acted upon, the smaller boroughs would, in point of fact, become little counties for the purposes of representation, and would be under the sway of the landed Gentlemen of the neighbourhood. Under the Reform Bill there were fifty boroughs which had an addition made to their boundaries, and there could be no reason for increasing that number. The motion of his gallant friend (Colonel Evans) was made with the view of arresting the progress of such proceedings; and he (Mr. Tennyson) trusted, that the House would see the expediency of supporting the Amendment, and consider what would be the consequences if such propositions as the present were acted upon.

Sir *Robert Peel* did not intend to support the Amendment of the gallant Colonel, but thought that some advantage might result if he proceeded to state the course he intended to pursue, and the nature of the Amendment he intended to propose. The House had better know, before they came to a decision on the present Amendment, that other propositions would be submitted to them with respect to that Bill. He particularly requested the attention of the House and of his Majesty's Government to the question now to be decided. His Majesty's Government did not, on former occasions, express any opinion on the judicial question connected with that case, because they did not wish to influence the question by the expression of their opinions, or by the exercise of their influence, but to leave the matter to the decision of the House. That state of things had ceased, and they were now called upon to decide on the general question, and he begged their attention to the statement he was about to make. He agreed in much that had been said by the gallant Colonel; and although he could not vote for the Motion of the gallant Officer, the gallant Officer might vote, with the greatest consistency, for the proposition which it was his intention to submit to the House. If his proposition went to exempt the guilty from punishment, there might be a strong objection to it; but he had no such intention. He was opposed to referring the matter to the consideration of another Committee, because, in point of fact, it would be postponing the matter to another Session, when probably the House would be engaged in other business of great importance, and thus the details of the subject would be forgotten, and Hertford would be left as it was, and those who had been guilty of corruption would escape punishment. What he desired was, that an example should be made in that case. From the large attendance of Members, he was sure, that many hon. Gentlemen were present who knew comparatively little of the nature of the question. He would, therefore, proceed to state, very briefly, the state of the case. The borough of Hertford had its boundaries extended upon the recommendation of the Commissioners who fixed the boundaries under the Reform Bill. They determined a new boundary for the borough; and his proposition was, that the House should respect the boundary then fixed for the borough. Why reverse that decision which had some presumption in its favour? The bill, however, proposed to add a large contiguous district to the town, and annex a rural population to the county town. He was convinced, that the best mode of establishing the influence of the agricultural or landed interest in the borough would be by adding the proposed district to the town. It was very possible that a great portion of the town was in very few hands; but it was of the greatest importance that the townholders should not have land in the adjoining districts. He did not think, that any one would dispute the advantage that would result to those who had property in the neighbourhood by the proposed change. The adoption of the principle would, in point of fact, make the borough purely agricultural; it would cease to have the characteristics of a borough, and would become a little county. He begged the House to recollect that it was proposed to give that addition to the county of Hertford which was purely agricultural. The Members for the borough would be returned by the same influence as the county Members. The effect would therefore be, to give this agricultural county five Members, three for the county, and two for the large agricultural district. He objected to destroying the character of the constituency, and his votes in the Committee on the Reform Bill showed, that he did not think that the influence of agriculture should be increased by adding large rural districts to the boroughs. If they wanted to destroy the balance which existed between the commercial and manufacturing and the landed interest in that House, he knew no readier mode of doing so than by throwing into the boroughs large surrounding districts. The borough of Hertford had three classes of voters. The first class was the inhabitant housekeepers; this class of voters was between 300 and 400 in number. It was sufficient to pay scot-and-lot to constitute the right of voting. This class of voters, amounting to between 300 and 400, together with the freemen, constituted the old constituency of the borough. The freemen were less than 130; he believed 124 or 125. Then there were the 10*l.* householders, which was the constituency added by the Reform Bill. A Committee of that House had been appointed to examine into the course of conduct pursued by these three classes of voters at the last election. With respect to those called the scot-and-lot voters—although that was not the exact name which should be applied to them, as they ought rather to be called the class of voters occupying houses under 10*l.*—the Committee reported an almost unqualified condemnation of their conduct, saying, that such general corruption prevailed amongst them at the last election that they ought to be disfranchised. Those who supported the Bill were anxious to punish the corrupt voters. He also agreed that those who had been guilty of corruption should be punished; but he begged the House to recollect that there were two other classes of voters, namely, the freemen and the 10*l.* householders. The Committee, the Report of which he was about to refer to, was presided over by the hon. and learned member for Rochester, in whom the House had so much confidence as to make him as it were their Deputy Speaker, as he presided over their proceedings while in Committees of the whole House. The Committee on the Hertford Election had, he believed, every desire to arrive at the truth, and to act with the utmost impartiality, and that impartial tribunal made this Report to the House on the conduct of the freemen and the 10*l.* householders. "On the other hand your Committee have not been able to discover, that the general body of freemen or the 10*l.* householders, except perhaps in some few cases, have been at all affected by or concerned in corrupt practices." That was as complete an acquittal as could possibly be pronounced by this impartial tribunal. They acquitted the whole of the freemen and 10*l.* householders, with the exception that he had stated, of indulging in corruption. Surely the noble Lord, the Paymaster of the Forces, should be gratified that the new constituency which he had given to the borough by the Reform Bill had passed through the ordeal with impunity. They had seen the general prevalence of corruption amongst one class of voters, and although inducements were held out to them they escaped without imputation. Their integrity being proved, he called upon the noble Lord to protect them. Now what was the number of these untainted voters? On the next election not less than 500 voters, if the corrupt voters were disfranchised and the boundary of the borough not extended, would exist in the borough. There would be 124 freemen, and the remainder would be 10*l.* householders; just such a constituency as the noble Lord (Lord John Russell) contemplated, as the final and permanent constituency for the borough of Hertford. They all agreed to shake off the guilty class of voters, but he trusted that the House, seeing that there was a sufficient constituency left, would consent to leave the borough as he proposed. It should be recollected that the class of freemen would gradually die off, and the election would then be in the single class of 10*l.* householders. Now there was little doubt that if the boundaries of the borough were not enlarged the number of the latter class of voters would be at least 500. He (Sir Robert Peel) would ask the House to compare this with other towns, and to recollect that there were not less than thirty boroughs left untouched by the Reform Bill, and having fewer voters than Hertford. There were 500 voters in Hertford who were qualified under the Reform Bill. They had been exposed to temptation, and had passed through the trial without a stain. They, therefore, stood on higher ground than untried voters; they, therefore, ought to have the franchise intrusted to them. The charges against them had been submitted to a severe tribunal, which thoroughly investigated the matter, and acquitted them. He, therefore, put it to the House, with confidence, to say, upon what principle they ought to be punished. He did not wish to enter into any details on the subject; but he was extremely anxious to state to the House the real question under consideration. It was not a judicial but a political question, and he trusted that the House would only regard it in that light. Under the Reform Bill the boundaries of the borough of Hertford had been fixed; and, as no charge had been proved against the permanent constituency of the borough, therefore there could be no necessity for the large addition to the borough. He was satisfied that the hon. and learned Gentleman was proceeding on an erroneous principle; and he begged the House to recollect the objections that existed against making the smaller boroughs, as it were, agricultural districts. He trusted, after what he had said, that he should induce the House to adopt his proposition. He entirely concurred in the proposition to punish the guilty, but it would make the measure more generally acceptable to the country if they excepted the innocent from punishment. The Amendment he should propose was, that the remainder of the Bill, after the first clause, should be struck out. He should not then press his Amendment, but he intended to do so that evening. He repeated, he was as anxious as any one to punish the guilty, and if they did so they would leave the borough of Hertford with a constituency of not less than 634 persons, who had been put to their trial and found to be incorrupt.

Mr. *Walter* said, that having been a Member of the Committee, whose proceedings were so well known to the House, he felt it his duty to say a few words on the present occasion. With respect to the change of boundary, he had no particular objection to it, except that he thought it would not answer the intended object. It would present such a tortuous and disputable outline to the constituency, as could hardly ever be settled; and the constituency which would be excluded, consisting of persons who lived in the country, bore so very small a proportion to those in the towns, that it was not worth while to exclude them. He did not deny, however, that the principle against which the hon. Gentleman wished to legislate prevailed in too many boroughs. With respect to the Bill before the House, if its object had been to disfranchise the borough of Hertford altogether, he did not know that much could be said against it; as it was clear from the evidence that the corruption, though not universal, was so general as to render the influence of the untainted electors altogether unavailing. The object of the Bill was to render the constituency of Hertford less within the means of any individual to corrupt; and to give to the old independent and honourable electors, allies of the same character with themselves in the new constituency. He would not enter into the subtle and superfluous question whether the House was acting judicially or legislatively, but he knew what were the facts of this case, and how the present Bill, if left unmangled and suffered to perform its duty, would remedy the mischief complained of. It would be tedious to repeat all the corrupt practices which had taken place at the late election, and which had been detected since its close; but considering the opposition now made to the Bill, he could not help fearing that, from the length of time which had elapsed since the subject was first brought forward, Gentlemen were beginning to forget their enormity. However innocent what was called "polling-money" might have originally been, as described on a previous night by a former Representative of the borough, yet it had of late years ceased to be so, both because the amount had been more than doubled, and because the whole election depended upon it. In truth, the neglect of this payment would have been considered a violation of the rights of the electors. The House would not forget the clubs which were instituted three-quarters of a year before the election, and which were finally merged in one of greater consequence and extent, held at what was appropriately called "Rats' Castle." Hither all the tools and agents of the more monied party resorted to hold their orgies: hither the Mayor of the corporation resorted, and showed the exuberance of his joy at the liberality of certain candidates and their supporters, by dancing and indulging the electors with assurances of another such festivity, in the event of their friends succeeding. The object of these meetings was expressly declared by the chief agent to be the giving that gratification to the electors which another candidate was unable to give them. "What," said this agent, "has Duncombe ever done for the borough? You (the electors) have only got by him a Bill which will send you to the poll with long beards and empty stomachs." This fault, however, of leaving the electors to hunger was not to be imputed to the party to which this agent belonged, for the House would recollect that during the long period he had mentioned, a host of minor agents were employed in scattering a species of note called "Refreshment Ticket," but which ticket was applicable to many other purposes besides that of procuring refreshment for the stomach. It might be exchanged at any shop in the place, or sold for apparel or any article of domestic use that might be wanted. It had been, indeed, asserted by the chief agent that these practices were not sanctioned by him after the writ was issued; nevertheless, the same proceedings continued, and rather increased in activity and expensiveness, though at least a dozen innkeepers and alehousekeepers had the confidence to assert upon oath before the Committee, that they did not know who was to pay them. In deciding this case, the House would have to deal not only with bribery and corruption, and the more awful crime of perjury, but also with menaces applied to the electors. Several cases of threats to turn out people from their habitations were stated before the Committee, and if the evidence was untrue, the agent of the noble Lord who possessed the property, and from whom the threats issued, ought to have been produced to contradict it. They had also heard of the fourteen days' leases granted by the same noble Lord to tenants who were electors—a circumstance so novel that it might be said to form an era in the history of electioneering, and unconstitutional interference. The House had been told, that these leases were applied only in the cases of the scot-and-lot voters; but what was there to prevent them from being hereafter applied to voters above 10*l.*, if no counterbalancing power were raised to impair the corrupt influence of that noble Lord whose name was so familiar during the election? One argument mainly relied on by two right hon. Gentlemen, who had spoken against the Bill, appeared to him rather to impugn than support their opinion. They had asserted, and he believed correctly, that the 10*l.* constituency would be still about 600: the only inference he could draw from this assertion was, that the preponderance of the borough would still remain very great under the increased constituency, and that the change, therefore, was the more lenient, and would be the less felt. Upon the whole, he conceived that the House would appear to wink at what had occurred at Hertford, unless with a view to check the crimes which he had enumerated they adopted the measure now before them. It was impossible that the old condition of Hertford could be longer tolerated. The necessity of a ballot would follow, unless intimidation were rendered fruitless by introducing to the elective franchise those who were beyond the sphere and range of it. The elections must always be carried, as in the late instance, by corruption, unless the number of electors was increased and their character raised, so that corruption could not reach the majority. He trusted, therefore, that the House would feel, that no satisfactory remedy could be applied short of that which the Committee had recommended.

Lord *Granville Somerset* could not help making a single observation, in answer to the remarks of the hon. member for Berkshire. The hon. Member had spoken of the treating at Hertford; but neither he himself, nor his friends in Berkshire, seemed, during the last election, to have been afflicted with empty stomachs. The hon. Member's observations on Hertford were much to the point; but the voters of that borough would be sufficiently punished for their corruption, even if the Amendment of his right hon. friend (Sir Robert Peel) were adopted, for by that four or five hundred of them would be disfranchised. That, however, was not the case with the constituents of the hon. member for Berkshire, not one of whom had been subjected to the slightest penalty. There was a Bill in its progress through the House, which had been introduced by the noble Paymaster of the Forces, the object of which was, to punish all the voters in boroughs who might be guilty of any sort of corruption. He (Lord Granville Somerset) was sorry that the provisions of that Bill did not extend to counties as well as to boroughs, in order that it might include the constituents of the hon. member for Berkshire, and other county constituencies, many of whom were as corrupt as any borough constituency in England, Scotland, or Ireland. He could not but think, that a county constituency which misbehaved ought to be subject to punishment as well as the constituency of a borough. The question before the House, at present, however, was, not whether there had been corruption in the borough of Hertford. The real question was, whether they should punish the innocent as well as the guilty in that borough. A Committee had sat on the subject, who reported to the House, that the general body of the freemen of Hertford were not, in any way, connected with the corruption which had taken place; yet now they were called on to punish those freemen, who, by the Report of the Committee of that House, were declared guiltless. He (Lord Granville Somerset) would willingly consent to the punishment of the guilty, but he would never consent to the punishment of those who had been acquitted by the Committee appointed to investigate the case. As the honesty of the general body of the electors was admitted, he hoped that the House would not allow them to suffer; and that, in a proper anxiety to punish the guilty, they would not be unjust to the innocent.

Mr. *John Stanley* said, that the noble Lord had called on the House to pass judgment on the constituents of the hon. member for Berkshire, whom he had presumed to call guilty, though they had not been put upon their trial; yet he declined to punish the electors of Hertford, who had been proved to be guilty of the grossest corruption. All that he, and those who acted with him, wanted, was the punishment of the guilty,—the punishment of those who had been found guilty of bribery. He would ask the hon. member for Cambridge, whether they wished for the punishment of any others? The Bill went to punish the lower class of voters in Hertford: he knew not in which way it went to punish any others. It went to punish the dependents of a great aristocratical proprietor. The House was first called upon to act judicially, but now it was called upon to act legislatively, and to remove this borough from the domineering influence of a great landed proprietor. He would ask whether, under this Bill, the Marquess of Salisbury's voters would vote in favour of the county or the town? How were these dependents of the noble Marquess created? Was there no punishment, no slavery in their fourteen days' leases? Did not these dependents, up to the last moment of the Reform Bill, nay, after it, suffer with the greatest severity? Much had been said by the noble Lord about treating, but had they it not in evidence, that, in Hertford, the port wine was sent in casks, that the voters drank it out of quart pots, and that one man actually died of intoxication on his way home? After these orgies, the gipsies and bullies were brought in, and the whole party were drilled and marshalled by the fugleman of Lord Salisbury's corps. Was it not notorious that the noble Marquess took an active part at the election, in spite of the entry of a resolution in their Statute-book against the interference of Peers at elections? Would to God that that Resolution were erased from their Journals, rather than be made the laughing-stock of every electioneering Peer in the kingdom! Was it not notorious that, in spite of all this, the noble Marquess appeared at the election wearing the colours of his own candidates, with a convicted thief placed on one side of him and a returned felon on the other. It was true: it had been proved on oath before the Committee. It was necessary that steps should be taken not to allow the borough to remain under such influence; but, by the infusion of a better class of voters, to give it that independence which all constituencies ought to have.

Sir *Henry Hardinge* said, that if the object of the hon. Member's speech was to cast imputations he had succeeded; but those imputations, which the hon. Member presumed to cast upon Lord Salisbury might, with equal justice, be directed against Mr. Thomas Duncombe, for he was equally guilty with the noble Lord. As to the Bill before them, what did it do? The first clause punished those guilty of corruption; and that clause he did not mean to oppose; but the second clause punished the innocent as well as the guilty, and it was to that clause he objected. By the second clause the whole of the 10*l*. voters would be swamped. It was said, that the enlargement of the constituency was no punishment to the present electors; but he considered it a species of disfranchisement. What was the punishment inflicted upon Aylesbury and Cricklade? A large agricultural population was taken into the borough, so that it could not be argued that this addition to the constituency was not intended as a punishment to the present voters. As to the circumstance of one person having the greater portion of the property of the borough, it had been decided in the case of the new borough of Huddersfield, where the whole parish belonged to one proprietor, that that was no objection to its obtaining the right of sending a Member to Parliament; and that could, therefore, not be objected to in the instance of Hertford. The Members of that House were then sitting in their two-fold capacities as Judges and Legislators. Acting in their judicial capacity, it would be unjust if they were to punish the innocent in order that the guilty might not escape; and, in their legislative capacity, they could assign no reason why they should adopt the present Bill, when, in the case of Huddersfield, they had determined that the property of a borough belonging to one person was no reason against its enfranchisement. It could not be said, that it was necessary to extend the constituency on account of the smallness of that constituency; for at Blackburn it had been thought entitled to enfranchisement, although the number of voters in it was only 626, which was not more than the present constituency of Hertford. In Tavistock, too, the constituency was only 247, so that, in point of numbers, the constituency of Hertford would appear, even according to the principles laid down by the Reform Bill, to entitle it to remain as it was at present. Was it right or proper that the constituency of Hertford should be extended to the number of at least one thousand voters, while Tavistock, Malton, Calne, Kendal, and a variety of other small boroughs, were to retain their franchise without addition? He contended that it was not; and if the House wished to establish a character for injustice throughout the country, they could not adopt a better course than by giving their sanction to the present measure. If, however, they were to carry this Bill into a law, the people, they might depend upon it, would go to any tribunal to seek justice, rather than to a Committee of that House.

Mr. *Bernal* said, he really did not know what proposition they were entertaining, whether it was that enunciated by the hon. and gallant member for Westminster, or that suggested by the right hon. Baronet.

Colonel *Evans* said, that as he understood his Amendment would prevent the Bill from being carried through this Session he would not press it.

Amendment withdrawn. The Bill was read a third time.

Colonel Evans then moved, by way of rider, a clause providing that, at all future elections for the borough of Hertford, the votes should be taken by ballot.

Upon this Motion the House divided: Ayes 82; Noes 182—Majority 100.

Sir R. Peel then moved the omission of the second clause, with a view to omit the remainder of the Bill.

On this Motion the House divided: Ayes, 109; Noes 143—Majority 34.

Colonel Evans then moved—"That the boundary of the borough shall only comprehend the present borough of Hertford, together with the towns of Ware and Hoddesdon, and the intermediate tract bounded by the high roads connecting the latter towns with each other and with Hertford, including 100 yards exterior of those high roads throughout the whole length of the said roads."

The House again divided: Ayes 19; Noes 117—Majority 98.

The Bill was passed.

List of the Ayes *on Colonel Evans's Motion to take the Vote by Ballot.*

Aglionby, H. A.
Attwood, T.
Baines, E.
Barnett, C. J.
Biddulph, R.
Bellew, R. M.
Bish, T.
Blake, M.
Blackburne, J.
Bouverie, Hon. D.
Briggs, R.
Brotherton, J.
Buckingham, J.
Clay, W.
Chaytor, Sir W.
Chichester, J. P. B.
Dawson, E.
Divett, E.
Dykes, F. L. B.
Etwall, R.
Faithfull, G.
Fenton, J.
Ferguson, Sir R.
Fitzgerald, T.
Fitzroy, Lord
Fleming, Admiral
Gaskell, D.
Godson, R.
Grote, G.
Gully, J.
Hall, B.
Hardy, J.
Hill, M. D.
Hodges, L.
Hutt, W.
Hyett, W. H.
Jacob, E.
Jervis, J.
Kemp, T. R.
Keppell, Major G. T.
Langdale, Hon. C.
Lister, E. C.
Locke, W.
Lloyd, J. H.
Lynch, A. H.
Moreton, H.
Mullins, F. W.
Ord, W. H.
O'Connell, C.
O'Connell, Morgan
Parrott, J.
Pease, J.
Penleaze, J.
Phillpotts, J.
Philips, M.
Potter, R.
Pryme, G.
Rider, T.
Rotch, B.
Roche, D.
Ruthven, E.
Ruthven, E. S.
Russell, Lord
Seale, Colonel
Sinclair, G.
Scholefield, J.
Stanley, E. J.
Sullivan, R.
Tennyson, C.
Throckmorton, R.
Tooke, W.
Torrens, Colonel
Tynte, C. J. K.
Vincent, Sir F.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wason, R.
Watkins, J. L. V.
Waterpark, Lord
Wigney, N.
Wilbraham, G.
Williams, Colonel

TELLERS.

Evans, Colonel
Bulwer, E. L.

List of the Ayes *on Sir Robert Peel's Amendment.*

Ashley, Lord
Ashley, Hon. H.
Attwood, M.
Baring, A.
Baring, F.
Bankes, W.
Blackstone, W. S.
Brudenell, Lord
Bruce, C.
Bell, M.
Bateson, Sir R.
Bethell, J.
Bruce, Lord E.
Bruce, C. L. C.
Bolling, W.
Chapman, A.
Clive, Lord
Clive, Hon. R.
Cooper, E. J.
Chetwynd, Captain
Corry, Hon. H.
Cole, Lord
Castlereagh, Lord
Campbell, Sir H. P.
Calcraft, G.
Cartwright, W.
Coote, Sir C.
Chandos, Lord
Chaplin, J.
Conolly, Colonel
Daly, J.
Duffield, Thomas
Darlington, Lord
Dugdale, W. S.
Duncombe, Hon. W.
Evans, Colonel
Estcourt, T. G. B.
Egerton, W. T.
Eastnor, Lord
Fox, S. L.
Foley, E.
Ferguson, G.
Finch, G.
Fremantle, Sir T.
Forester, Hon. C.
Gladstone, W. E.
Gladstone, J.
Gaskell, J. M.
Goulburn, Rt. Hon. H.
Grimston, Lord
Glynne, Sir S.
Gronow, Captain
Gordon, Hon. W.
Hanmer, Colonel
Hanmer, Sir T.
Holdsworth, Thomas
Halcombe, J.
Hardinge, Rt. Hn. Sir H.
Hayes, Sir E.
Hay, Sir J.
Henniker, Lord
Herbert, Hon. S.
Hawkes, T.
Hodgson, J.
Hope, H.
Halford, H.
Irton, S.
Inglis, Sir R.
Joliffe, Hon. Colonel
Jermyn, Lord
Kerrison, Sir E.
Lincoln, Lord
Lefroy, A.
Lefroy, Thomas
Lyall, G.
Lowther, Hon. Col.
Lygon, Hon. Colonel
Martin, Thomas
Miles, William
Maxwell, H.
Mandeville, Lord
Manners, Lord R.
Nicholl, J.
Neale, Sir H.
Norreys, Lord
Pollock, F.
Peel, Rt. Hon. Sir R.
Palmer, R.
Price, R.
Pigott, R.
Perceval, Colonel
Reid, Sir J.
Ryle, J.
Stewart, J.
Saunderson, R.
Somerset, Lord G.
Stanley, E.
Scarlett, Sir James
Stewart, E.
Tennyson, Rt. Hn. C.
Tyrell, Sir J.
Trevor, Hon. G. R.
Vivyan, Sir R.
Walsh, Sir J.
Welby, E.
Wynn, Rt. Hon. C.
Wall, C. B.
Williams, T. P.
Yorke, Captain
Young, J.

TELLERS.

Ross, C.
Lewis, Rt. Hn. T. F.

HOUSE OF LORDS,

Tuesday, April 22, 1834.

Minutes.] Bill. Read a third time. On the Motion of Lord Auckland:—Smuggling Act Amendment.

Petitions presented. By the Duke of Richmond, and the Earls of Dacre and Uxbridge, from several Dissenting Congregations,—for Relief to the Dissenters.—By the Earls of Winchelsea, Foley, Rosebery, and Uxbridge, Lord Howe, and the Bishops of Chester, and Lichfield, and Coventry, from a Number of Places, —for the Better Observance of the Sabbath.—By the Earl of Rosebery, from two Places, against the Ministers to Churches (Scotland) Bill.—By Lord Foley, from Burton-upon-Trent, for Protection to the Established Church.—By the Earl of Uxbridge, from Anglesey, against the Sale of Beer Act.

Sale of Beer Act.] Lord *Suffield* presented a petition from Norfolk, signed by all the Magistrates at Quarter-Sessions, complaining of the evils arising from the multiplication of beer-houses; and praying that a proper remedy should be devised. Some individuals, who were ignorant of the facts, asserted that it would be better, if the Magistrates, instead of complaining of these beer-houses, would exert themselves in putting down the mischiefs to which their existence gave rise. Now, the truth was, that the Magistrates were anxious to do so, but they did not possess the necessary power, and they would be well pleased if they were armed with sufficient authority for that purpose. As the second reading of a Bill on this subject was to come on to-night, he begged leave to throw out two suggestions for the consideration of the noble Lord opposite (Lord Kenyon), who had introduced the Bill. In the first place, he was of opinion, that if proper security were required for good conduct, it would have the effect of placing a better description of persons in beer-shops; and next, it appeared to him, that it would be productive of very good effects, if, when an individual applied for leave to open a beer-shop, his petition must be recommended by a number of housekeepers, as was required in the case of public-house licenses.

The Earl of *Malmesbury* was perfectly aware, that the greatest mischief to the morals of the people had flowed from the establishment of beer-houses; but he doubted much, whether demanding a high security would check the evil; because those houses having, in many instances, fallen into the hands of brewers, they would be ready to give security to any amount. He approved of the suggestion, that when application was made to open a beer-shop, that application should be backed by the testimony of the neighbouring housekeepers, as to the good character of the applicant. The Magistrates, he could assert, did not, on their own account, regret any loss of power which they had sustained under the existing Bill; but they certainly did regret on account of the public morals, that they had not authority to repress the evils which were complained of on every side. It would be an alteration attended with inestimable benefit, if beer were not allowed to be consumed on the premises. In that case, the labourer would take it home to his family, instead of spending his time in those haunts of vice; the owners of which, in order to entice unfortunate labourers to expend their money in them, encouraged gambling and dances, the consequence of which was, that those who frequented them remained till the most unseasonable hours, whilst their families were neglected and left destitute.

The Earl of *Winchilsea*, expressed his strong hostility to the Beer Bill, which had occasioned incalculable evil. He had been attending the Petty Sessions in the county with which he was more immediately connected, during the last four months; and he could of his own knowledge assert, that crime had greatly increased in consequence of the multiplication of beer-shops. The speculation on which the Beer Bill was founded—namely, that it would be the means of giving a better beverage to the working man—had completely failed. The beverage had become worse instead of better; and he believed that ninety-nine out of 100 of the beer-shops in his county were in the hands of brewers. The labourers, for whose benefit this measure had been introduced, had reaped nothing but evil from it. Some good would be effected if no beer-shops were allowed to be opened, unless the sanction of a certain number of respectable persons were previously obtained. As the system at present stood, many of these beer-shops were kept by persons of bad character, who, under pretence of selling beer, sold spirits; there the working classes of society were induced to assemble, and there they proceeded to plan crimes. Only last year, in Lincolnshire, an individual coming from one of these beer-houses murdered a man in open day, and the defence of the culprit was, that he was intoxicated. The system ought to be totally new-modelled; and he was sure, that their Lordships could not do a greater act of kindness to the labouring population than to take this question under their consideration.

Lord *Wynford* believed, that instead of the poor man's beverage having been improved under this Bill, the beer had, in fact, become more deleterious than it was before. His reason for supporting the Bill originally was, because he believed that it would put an end to the monopoly of the brewers. He was sorry, however, to find that he had been completely mistaken, for the measure, instead of diminishing, had, he believed, increased all the evils of monopoly. He should again press upon the House the suggestion which he had thrown out the other night, and which, if acted upon, would, he conceived, be attended with beneficial effects. At present the constable could not go into a beer-shop unless to put down a breach of the peace. He would give to the constable the power of entering those houses for the purpose of ascertaining what sort of company was harboured in them, and whether good order were preserved. This was no more than what the exciseman and the constable could do at present as to regular public-houses, and involved no serious infringement of the liberty of the subject. He thought, it was right, not only that the constable should be invested with that power, but that he should be obliged to exercise it.

Lord *Suffield*, to prove the ill effects which grew out of the present system, stated, that for two days a lottery had been going on at a beer-house in his neighbourhood. The consequence was, that a scene of the most abandoned drunkenness and riot had been kept up all night; and it was so difficult to obtain the necessary information relative to the commission of the offence, that he, as a Magistrate, found it impossible to act so as to punish any individual.

Lord *Kenyon* should merely express the great satisfaction he felt at hearing the sentiments of the several noble Lords who had spoken on this occasion. He could assure his noble and learned friend near him, and every other noble Lord who took any interest in the subject, that he should be most happy to receive any suggestion or amendment with which he should be favoured. One great object of his measure was, to diminish still more the hours at which those beer-shops should be allowed to be kept open, without, at the same time, attempting to interfere with the comforts of the labouring classes. His Lordship concluded by proposing, "That this Bill be now read a second time."

Viscount *Melbourne* said, although he very much doubted the dreadful increase of crime which had been described, still he should feel it to be his duty to vote for the second reading of the Bill. The Bill, however, as it now stood, did not, in his view, afford a sufficient remedy for the mischiefs about which so much had been said. One of the principal objections related to houses established in lonely and remote situations; but there was nothing whatever in the Bill to remedy any mischief which could be ascribed to that circumstance. All the legislation which was formerly directed against public-houses generally, was now, it appeared, to be directed exclusively against the beer-shops. But if the whole subject were to be considered, with the view of introducing, generally, a more preferable system, he would put it to the noble Lord, whether it would not be necessary to extend the system of securities, which he meant to apply to beer-shops, to the lower sort of licensed public-houses, which, after all, were in no respect better conducted than those houses that were established under the new Act. He threw this suggestion out for the consideration of the noble Lord. He did not believe, that all the evils which were enumerated flowed from the one source; and he was not very sanguine in thinking that this Bill was likely to remove them.

Bill read a second time, and referred to a Select Committee.

PARLIAMENTARY PRINTING.] The Marquess of *Lansdown* rose to move, that their Lordships should take into consideration the Report of the Committee to whom it had been referred to inquire into the state of the Parliament-office, and to propose that they should agree to the resolutions to which that Committee had come, the substance of which he should briefly state to their Lordships. The great object which the Committee had in view was, to devise some means by which the printing of the two Houses of Parliament might be executed with more economy, and, at the same time, with more convenience. That it was a subject worthy of consideration, would at once be seen, when he informed their Lordships, that the expense of printing in one year, (certainly under very peculiar circumstances) exceeded 100,000*l.*, and that in the last year it amounted to 56,000*l.* The Committee, in pointing out how a large saving could be effected, did not wish to induce their Lordships to abstain from printing such documents as were material, but to avoid the second printing of any which had already been printed for the use of the other House of Parliament. The Committee felt, that it was necessary to make a positive and direct reduction on printing charges, if that could be done without detriment to the public business. The Committee thought, that by an understanding with the other House, much of the expense of double composition, and of late working at night, might be avoided. It was, also, proposed to effect a considerable saving by a new arrangement with respect to the printing of the public accounts, which, while it retained the most perfect clearness and perspicuity, would be attended with less expense than at present. By coming to an understanding with the other House of Parliament, documents which had been printed for that House, and copies of which their Lordships might require, need not be again printed; and *vice versâ*, documents printed for the House of Lords might, in like manner, be furnished to the Commons. It would be very easy, also, if their Lordships were pleased to agree to those Resolutions, and the House of Commons also concurred in them, to have such documents as were printed for the use of the other House laid on their Lordships' Table, when it was necessary. A list of the papers that were moved to be printed, in either House, might be exchanged from day to day, and thus individuals in each House might, at a glance, be enabled to call for any document that appeared of importance. Mr. Church, of the Stationery-office, had also, by a very simple alteration in the mode of preparing the papers, assisted in reducing the expense. From the information he had received, it appeared probable, that a reduction of twenty-five per cent would be made on the whole expense, with respect to one species of documents, and of seventy per cent on another, by the adoption of the system now recommended. Taking an average of the whole, it appeared to him, looking to the printing of Bills, Journals, papers, and accounts, a reduction of one-half, or from 20,000*l.* to 30,000*l.* a-year, would be effected. It was also proposed, that the printers of both Houses of Parliament should be permitted to sell to the booksellers, in another shape, such reports, &c., as might be called for. The noble Marquess concluded by laying the Resolutions of the Committee upon the Table, and moving that they be adopted, which was agreed to.

It was ordered that the Resolutions should be communicated to the House of Commons in a Conference.

EXCHEQUER RECEIPT BILL.] Earl *Grey*, in moving that the House resolve itself into a Committee on the Exchequer Receipt Bill, observed, that it was a measure which proceeded from two Reports made by the Commissioners who had been appointed in 1830 and 1831, to inquire and examine into the practice of the Exchequer, with respect to the receipt and payment of the Public Money, and the mode of keeping the accounts thereof. The object of the appointment of those Commissions was, to introduce greater simplicity into the mode of keeping the Exchequer Accounts, to regulate more effectually the business of the Exchequer, and at the same time to establish an efficient and proper control. Along with these objects was combined that of producing a considerable saving in this branch of the Government. Such being the objects sought to be obtained he could not anticipate any opposition to the measure. In conformity with the recommendation of the two Commissions to which he had referred, it was proposed by this Bill to abolish the offices of Auditor, of the Four Tellers of the Exchequer, of the Clerk of the Pells, and the several offices subordinate thereto, and in lieu of them to appoint a Comptroller-General, an Assistant Comptroller, a Chief Clerk, and as many clerks and assistants as the Commissioners of his Majesty's Treasury might deem necessary. The next point was, to introduce greater simplicity in the mode of making up the accounts, and to effect a considerable saving. With that view it was proposed that all the cumbersome and antiquated machinery of the office should be abolished, and that a system of a more modern nature should be substituted. He was not aware that under the old plan any fraud had been committed, or that the public had sustained any loss; but, while under the new system the security would be found equally good, it would be found to possess greater simplicity and efficiency. The Accounts would, therefore, in future, be kept according to the modern practice, and all that circuitous mode of doing business, by which money was first sent to the Exchequer and from thence into the Bank, would be done away; the revenue would at once, under the new system, be sent to the Bank, and being so paid, should be placed to the credit of his Majesty's Exchequer, and form one account in the Bank Books. It was provided that the money being so placed in the Bank, should only be extracted thence by his Majesty's Royal Order, under the Royal Sign-Manual, to be countersigned by the Commissioners of the Treasury. The sums necessary for the public service were to be thus drawn out as they might be wanted; but in all cases a reference should be made to the particular Vote or Act of Parliament by which such an issue of the Public Money was authorized. By this course, simplicity in keeping the Accounts would be united with the most effectual control. Another clause of the Bill provided for the payment of salaries, allowances, and other charges hitherto payable in detail at the Exchequer. These payments were to be made by a Paymaster, to be appointed by the Commissioners of the Treasury, with such a number of Clerks as the Commissioners should deem requisite. The Paymaster of the Treasury, it was provided, should be invested with the same authority as the Paymaster of the Army or Navy exercised now. With reference to the pecuniary saving which would be effected by the measure, he must observe, that the present establishment of the Exchequer consisted of sixty-five officers, and the annual expenditure amounted to 41,000*l.*; whereas, under the new system, the number of persons employed would be only twenty-nine, and the cost of the Establishment would not exceed 11,000*l.*; a reduction of thirty-six persons in the number employed, and of 30,000*l.* in the expenditure, being thus effected. This, it must be admitted, was a satisfactory change; but he did not propose it so much on the ground of economical advantage, great as that must be admitted to be, as upon the principle of bringing about an important improvement in the management of the Exchequer. It was desirable that an officer such as the Comptroller-General should be independent of the Treasury; accordingly his appointment would be for life, removable only upon a Parliamentary Address to the Crown. The assistant who would supply the place of the Comptroller in the event of occasional absence was to be appointed during pleasure, and his salary would be annually voted by the House of Commons, so as to obviate any apprehension of the Comptrollership being rendered a sinecure office. If it were attempted to transfer the duties of Comptroller to his Assistant, Parliament would thus possess an effectual check upon the abuse by having the payment of the Assistant in its own hands. With respect to the offices abolished by the Bill, it was not an act of bounty, but one of mere justice, to provide for the two Tellers of the Exchequer, who held their places by patent. This being the case, they were to receive the amount of their salaries for life. After those two Gentlemen (Earl Bathurst and Mr. Spencer Perceval) only one Teller remained (Marquess Camden), the fourth (Mr. Yorke) having recently died. With respect to the Marquess Camden it had been thought right to introduce a particular provision into the Bill. Their Lordships would all recollect the generous sacrifice which the noble Marquess had made of the whole surplus profits of his office beyond the amount fixed by the new regulation which took place a few years ago, although the noble Lord had as good a right to receive the whole sum unabated as any Peer possessed to his estate. The amount which the public had saved in consequence of this act of the noble Marquess was 244,000*l.* Under these circumstances, it was thought right to record this signal instance of liberality, and secure to the Marquess Camden for life the whole right which he now had to the property of his office, trusting he would continue to pursue the same conduct as hitherto, but leaving the matter entirely to himself. With respect to subordinate offices, it was left to the Treasury to make such arrangements as might be deemed necessary. He must advert to one omission in the Bill: no provision had been made in consequence of the death of Mr. Yorke, by whose demise one of the Tellerships became vacant, together with all the subordinate offices belonging to it. In this case, there being no new Teller appointed, the money which was in Mr. Yorke's chest (about 30,000*l.*) could not be taken out, and the persons employed under him were now, strictly speaking, no longer considered as being upon the Establishment of the Exchequer, and, therefore, would not be entitled to be provided for under this Bill. But it would be an act of great injustice to take advantage of this circumstance to deprive those individuals of compensation. A particular provision in their favour could not now be introduced into the Bill consistently with the privileges claimed by the other House of Parliament. This was a fair occasion for exercising the power of the Crown to appoint another Teller of the Exchequer, whose office should cease as soon as the Bill had passed into a law. The consequence of a new appointment would be to revive the office, and to remove all difficulty with respect to the Clerks and the money now locked up from the public. The Clerk of the Pells possessed the same interest in his office as the Tellers, it being also an office for life. It was unnecessary to dwell upon the valuable services of the Gentleman who held that situation; they were well known, and had been displayed in different departments, and were of a character to entitle him, independently of his legal claim, to compensation for life to the full amount of the salary which he now enjoyed as Clerk of the Pells. As he was satisfied that the principle of the measure was good, and as it merely followed up the recommendations which had received the sanction of former Governments for the improvement of the Exchequer, he trusted it would receive their Lordships' concurrence.

The House went into a Committee, and having agreed to the several clauses of the Bill, resumed.

French Smuggling.] Viscount *Strangford* rose to move for papers relative to the practice of Smuggling on the northern and western coast of France, and said that he would not trouble their Lordships with any observations except in explanation of the reasons which induced him to give notice of Motion on the subject. First, he wished for an opportunity to show the noble Earl (Earl Grey) that the charges which he (Viscount Strangford) made on Friday against the French government were founded on facts, and more important than the noble Lord appeared to suppose at the time. Next, he desired to show that in point of chronology he was correct, and that the regulations of the French government of which he complained did come into operation subsequently to the date of the present Ministry's accession to office.

Lord *Auckland* thought he had good ground to complain of the conduct of the noble Viscount, who came down to the House on Friday, and, without previous notice, made a heavy charge against Ministers, accusing, nay, condemning them for acts of great carelessness and indifference as to the protection of the interests of the country; charging Ministers with employing incompetent diplomatic agents, and being badly served by them; stating on Friday that we had been ill-used and refused redress by France, and on Tuesday coming down and asking for evidence whereby to prove his charges. It would have been better if the noble Lord had examined evidence first, and allowed the conviction and condemnation of the offenders to follow. He was glad, however, that the noble Lord had made the Motion, because it would enable him to vindicate the Government from the charge of total neglect and want of information in matters nearly concerning the public interest. But he must refuse the noble Lord the documents for which he asked, because they were not such as could be communicated with propriety, and observing a due regard for the public service. It was not usual to call for the correspondence between Ministers and our Ambassadors at foreign courts. Indeed, it would totally cripple the execution of business if publicity were to be given to such notes and despatches as the noble Lord required. He meant to state the substance of what passed in relation to the subject. It appeared that the regulations in question commenced in 1791, when a law was passed in France under which a reduction of tonnage dues was allowed on going into certain ports for the purpose of smuggling goods into England. The regulation was continued in 1802, in 1825, in 1830, and in 1832. In 1832 it, for the first time, came to his (Lord Auckland's) knowledge that such regulations existed and the Foreign Office immediately obtained the best information it could on the subject, with a view to making representations to the French government. Such of their Lordships as were masters of the rules of national law upon this point, must know that it was impossible to justify strong representations from one government to another on such a ground. Such transactions as those referred to always existed, and the only reasons for representation consisted in this—that the mask had been taken off, and it was no longer mere connivance. In February, 1833, Government instructed our Ambassador to make a representation to the French government on the subject of the regulations. That representation was made, and the French government assured our Minister of its surprise and regret that such regulations should have been adopted and continued, adding a declaration of its determination to investigate the matter. So much for the unfriendliness of the French government. [Viscount *Strangford*:—When was that?] In March, 1833. In September, 1833, the French government assured the British Minister that what depended on law should be immediately remedied, and that what depended upon regulation should be gradually amended, it not being possible at once to abolish practices of forty years standing. This assurance had been acted on, the tonnage dues had been so altered as to reduce the advantages of the smuggler. But the English Government having ascertained through the inquiries of a Commission that the tonnage dues should be still further reduced, in order more effectually to discourage smuggling, a representation to that effect was made to the French ministry, and acceded to by it. Thus it appeared that Government had not been negligent as the noble Viscount had asserted, and that the French government was not unfriendly in this matter, as the noble Viscount had represented.

Viscount *Strangford* said, what he complained of were the culpable facilities afforded to smuggling by the French government. He did not charge the Government of this country with being in collusion for such a purpose, and only asked whether noble Lords opposite were aware of the practices that existed? The noble Lord did not allude to one facility given in these French ports to smuggling by allowing articles to be exported in such small quantities. He certainly was not before aware that the French government had proceeded so far in the application of a remedy. He wished to ask the noble Earl if it were not true, that British cruisers were not allowed to enter any of those small French ports, or to approach within a certain distance of them?

Lord *Auckland* said, that such was undoubtedly the fact, but this did not arise from any specific order of the French government, but from revenue regulations which prohibited British cruisers from entering French ports. But those regulations he could inform the noble Viscount, dated from 1828.

The Duke of *Wellington* must acknowledge, that he had never heard of the inconveniences to which his noble friend had alluded until he had spoken of them the other night. They certainly never came under his notice when he was in office. With respect to the explanation that had just been given by the noble Lord opposite (Lord Auckland), he must admit, that it was perfectly satisfactory. That explanation had distinctly shown, that the Government did remonstrate with the French authorities when the facts came to their knowledge. He could not, however, but express his regret that the noble Lord had not given his explanation on the former evening when the subject was first introduced, as the noble Lord must have been then aware of all the circumstances which he had just stated to the House. It appeared that the port regulations alluded to had existed for many years, and, as the noble Lord explained, some of them were to be put an end to altogether at once, and others to be gradually abolished. Nothing more than this could be wished for or expected. With reference to the second topic, the hinderance of British cruisers from resorting to French ports, we had no right to complain of such a prohibition. Our ships were not privileged to approach beyond a certain distance from the French coast, and he considered that the French authorities were quite justified in giving orders to that effect.

Lord *Auckland* said, that the reason he did not on the former night give the explanation he had now given was, as he stated at the time, that he had been taken by surprise. If the noble Viscount had given notice of his intention to accuse the Ministers, he should then have been prepared with the explanations he had now made. All he could say at that time was, that remonstrances had been made to the French government, and that satisfactory arrangements had taken place, but he was not then prepared to go into the details.

Motion negatived.

HOUSE OF COMMONS,

Tuesday, April 22, 1834.

Minutes.] New Writ ordered. For Monaghan in the Room of the Hon. C. D. Blayney, now Lord Blayney.

Bill. Read a third time:—Illegal Securities.

Petitions presented. By Colonel Verner, and Messrs. Barron, James, D. Callaghan, O'Callaghan, Blake, Vigors, Dobbin, Fitzgerald, Lalor, Denis O'Connor, Baldwin, Sheil, H. Grattan, Ruthven, Chapman, D. Roche, Lynch, and W. Roche, from a great Number of Places,—for the Repeal of the Union.—By Mr. Emerson Tennent, from Belfast, against the Repeal of the Union.—By Mr. Wallace, from Greenock, for an Alteration in the present System of Church Patronage in Scotland.

Repeal of the Union (Ireland).] Mr. *James* presented a Petition, numerously signed, from the inhabitants of Carlisle and its vicinity. The exact number of signatures, he believed, was 2,100, praying for a repeal of the legislative union between Great Britain and Ireland,

and that the latter country might again possess her own domestic Legislature. The petitioners were all in the humble ranks of life. They were poor men, but as they were honest and industrious, he trusted their petition would not be the less favourably received by the House because they were poor, and did not belong to the more wealthy and privileged classes. They had requested him, as far as he conscientiously could, to support the prayer of the petition. He would remark, that if it were intended to give to Ireland such a parliament as she formerly possessed, he did not think a much greater curse could be inflicted upon that country; but if the future proposed Representatives for Ireland were to be fairly and freely elected, he thought it might confer many advantages upon Ireland, and some upon England. He thought it would confer a direct benefit upon Ireland, by enabling the Irish people to make laws upon many subjects, such as the formation of railroads, draining bogs, and other improvements upon which we, at this side of the channel, could not, of course, possess so perfect a knowledge as those who were on the spot. It would confer an advantage upon Ireland indirectly, by taking back to that country, a large number of the absentees; and he apprehended there was no Gentleman but would admit, that absenteeism was one of the great causes of the evils which unhappily afflicted that country. One of not the least advantages that England would derive from Repeal, would be (and he said so without intending the slightest disrespect to the Irish Members) the getting rid of those Gentlemen out of that House. He thought the House, as now constituted, too numerous for a deliberative assembly. If the Irish Members were sent back to their own country, to which, he dared to say, they would have no objection, the business of the nation would, in their absence, be transacted more advantageously, more conveniently, and with more satisfaction to the public, than it was at present; for they all knew, that those Members were so eloquent on all occasions, and made such lengthy speeches, that sometimes an English Member could not get an opportunity of saying all he might wish on some subjects; but nothing could stop an Irishman. However, the subject was one of too much importance to be treated with any thing like levity. He must confess it was one upon which he had not made up his mind as to how he should give his vote, nor should he do so until he had had an opportunity of hearing it fully and fairly discussed in all its bearings.

Petition laid on the Table.

After a number of petitions on the same subject had been presented,

Mr. *O'Connell* having been called by the Speaker, spoke to the following effect, "It happened to me, Sir, a few days ago, to be speaking to a Member in the lobby, when I was asked by another Member, who had been in conversation with him before I came up, when the question of the Repeal of the Union was to come on. I was about to give the required information, when the Gentleman went on to observe, "The Canadas are endeavouring to escape from us; America has escaped us; but Ireland shall not escape us." The hon. member for Wiltshire, too, who, I regret to find, is not now in his place, may recollect, that last year, when the Coercion Bill was brought before the House, a Member of this House, said, in the library, with something like an oath, that Ireland should not escape us. [*Cries of Oh!*] It is, I think, a little too soon to begin this. Sir, I do believe it is a fact, that this claimed superiority—this general notion of a right of dominion inherent in England over Ireland has been the great bane of both countries, and the source of all the evils which you have for centuries inflicted upon Ireland. I do not believe there ever existed a greater mistake than the supposition, that this country has the right of domination over Ireland, or that this country ever obtained all the rights which the subjugation of the people of Ireland would confer. I wish Gentlemen to recollect, that in treating of the restoration of an Irish National Legislature, I wish to divest the case of every feature which may not be thought important, and to bring before them matters of the utmost national interest; but let not the spirit of domination now so far prevail, as to prevent the House from allowing a fair and legitimate discussion of this subject. Amongst the people of Ireland an opinion prevails, that British interests are adverse to those of Ireland. My first and greatest anxiety, therefore, is to demonstrate, that the English have no right of conquest, nor any title to the subjugation of Ireland.

That observation I mean to apply to the affairs of Ireland, both before the Union and since. I mean to canvass this question. I mean distinctly to assert, that Ireland was an independent nation, and that we ought to regard her, not as a subordinate province, but as a limb of the empire—as another and a distinct country, subject to the same King, but having a Legislature totally independent of the Legislature of Great Britain. I shall be as brief as I can upon this subject, for it is quite clear, that no man ever yet rose to address a more unwilling audience. My first sentence was interrupted; and there are amongst you those who have endeavoured to interrupt me before I could utter two distinct periods. I feel, however, that a great, and an important duty is confided to me, and I am determined to discharge it. I wish to show you, that Ireland was an independent nation—that in by-gone times she was an independent nation, having an independent Legislature to take care of her own concerns. I may be mistaken in what I seek; but my feeling is, that I but discharge my duty to myself, my country, and posterity, in calling on you to restore her to the station she occupied when I was born. But in the performance of my duty, I ask those whom I address, to give up the reins of power and dominion—the pride of power and dominion which it is infinitely more difficult to part with, than the minor interests involved in their possession. I call upon you to do that, by ceasing to continue the Union upon its present basis. Knowing, then, that I have such an unfavorable auditory, I am anxious to pass over the preliminary and unpleasant topics as quickly as I can, and to dwell as short a time as possible upon matters likely to excite the unpleasant feelings of those who hear me. There are not many amongst my auditory, who are aware, that from the period of 1172, when, for the first time, a sort of treaty was entered into between some of the inhabitants of Ireland and the British Monarch, from that period to the present, only two hundred and forty years have elapsed since Ireland was regarded as a portion of the dominions of the Crown of Great Britain. At no earlier period than that, were the Irish recognised as subjects of the King of England. In 1614, and not before that year, the distinction between the "Irish enemy," and "English subject" was put an end to. In 1614, there was a recognition of a distinct nation in Ireland. In 1614, for the first time, the power of the King of Great Britain—the power of the King of England and Scotland, was recognised in Ireland. No title had been acquired by battle previously, nor has any been acquired since. There never existed a right by conquest. No Jurist—no writer upon the laws of nations—can say, that any such thing occurred to give England any such claim. There was no dominion over the Irish as subjects—there was no recognition by them, of any such dominion; and, above all, there was the distinction between "Irish enemies," and "British subjects." I am bound—for I am not speaking for the present hour—I am not addressing those merely who hear me; but I am, I believe, making the first step to national independence; and, in doing so, it becomes me to lay the foundations on which to rest my arguments, broadly, distinctly, and as I hope, irreversibly. For this purpose I must have recourse to ancient documents, which will perfectly authorise my statement, that there was neither a submission, as subjects, of the Irish people, nor a recognition by them of the Sovereignty of England. The first document which I shall refer to, concerns the reign of Henry 3rd, and is dated in the year 1246. I know how unwilling this House is to listen to the reading of documents of any description; but more especially those certainly not calculated to please its vanity or gratify its pride. In the reign of Henry 3rd, a number of the Irish people applied for the benefit of the British law and the British Constitution, and they asked to be recognised as subjects. Henry 3rd issued a mandate under the Great Seal to the Barons in Ireland, that, for the peace and tranquillity of that land, they would permit it to be governed by the laws of England; but on this point what was the testimony of history? It was this—'The great English settlers 'found it more for their immediate interest that a free course should be left to 'their oppressions—that many of those 'whose lands they coveted should be considered as aliens—that they should be 'furnished for their petty wars by arbitrary exactions—and in their rapine and 'massacres be freed from the terrors of a 'rigidly impartial and severe tribunal. 'They had the opportunities of making 'such representations as they pleased to 'the court of England, and such descrip'tions of the temper and dispositions of 'the Irish as might serve their own pur'poses most effectually. They thus suc'ceeded in rendering the mandate ineffec'tual.' This is my first proof, that the Irish were not recognised as subjects, and that the intention of the King to recognise them as such was defeated by the party whose object it was, to preserve their own means of oppression, and prevent the establishment of a uniform government in Ireland. The second document I shall quote illustrates this part of the case. An offer was made by many of the Irish to pay 8,000 marks, a considerable sum at that time, to Edward 1st—this was in 1278—for the enjoyment of the British institutions, for the protection of the English laws, and for the establishment of a regular government in Ireland. In this instance the King issued his mandate, stating—'Whereas the community of Ire'land has made to us a tender of 8,000 'marks, on condition that we grant to 'them the laws of England, to be used in 'the aforesaid land, we will you to know 'that, inasmuch as the laws used by the 'Irish are hateful to God, and repugnant 'to all justice—and having held diligent 'conference and full deliberation with our 'council on this matter, it seems suffici'ently expedient to us and to our council 'to grant to them the English laws, pro'vided always that the general consent of 'our people, or at least of the prelates and 'nobles of that land, well affected to us, 'shall uniformly concur in this behalf. 'We therefore command you that, having 'entered into treaty with those Irish 'people, and examined diligently into the 'wills of our commons, prelates, and 'nobles, well affected to us in this behalf; 'and having agreed between you on the 'highest fine of money that you can 'obtain to be paid us on this account, you 'do, with the consent of all, or, at least, 'with the greater and sounder part afore'said, make such a composition with the 'said people in the premises as you shall 'judge in your diligence to be most expe'dient for our honour and interest; pro'vided, however, that these people should 'hold in readiness a body of good and 'stout footmen, amounting to such a 'number as you shall agree upon with 'them, for one turn only, to repair to us 'when we shall think fit to demand them.' And the historian says —'Here we see the 'just and honorable dispositions of Ed'ward, notwithstanding his intention to 'make this incident subservient to his 'affairs. But his wisdom and rectitude 'were fatally counteracted, and by those 'who should have run foremost in the 'prosecution of a measure which would 'have prevented the calamities of ages, 'and which was obviously calculated for 'the pacification and effectual improve'ment of their country; but it would have 'circumscribed their rapacious views, and 'controlled their violence and oppression.' Again, however, were the people's views frustrated, and they were a second time refused the boon they solicited. Another document I might quote, records a similar application that was made to King Richard 2nd, through Lord Thomas of Lancaster, which received a similar refusal, as well as a later application made to Lord Deputy Gray and Sir Arthur Chichester. The death of the Earl of Desmond afforded an occasion to regulate the affairs of Ireland upon principles of justice and liberal policy; but Elizabeth and her councillors thought otherwise. 'Should we exert 'ourselves,' said they, 'in reducing this 'country to order and civility, it must 'soon acquire power and riches. The 'inhabitants will be thus alienated from 'England; they will cast themselves into 'the arm of some foreign power, or, per'haps, erect themselves into an inde'pendent and separate state. Let us 'rather connive at their disorders; for a 'weak and disordered people never can 'attempt to detach themselves from the 'crown of England.' I find Sir, that Sir Henry Sidney and Sir John Perrot, who perfectly understood the affairs of Ireland, and the dispositions of its inhabitants, both expressed the utmost indignation at this horrid policy, which yet found its way into the English Parliament. The Queen was apprehensive should Ireland have the benefit of good laws, that she would become too strong for mismanagement, and it was thought that the best policy for England would be to keep her weak and divided—a policy which has been followed with unrelenting perseverance, and which is as much acted on to-day as ever it was in the reign of Queen Elizabeth. Throughout this period, the right of Ireland to a Parliament was not controverted; there was, at first, merely the Parliament of the Pale formed; but in the interval to which

I just now adverted—in the reign of Edward 3rd, an attempt was made to take the Irish representatives from that country. The writs on that occasion were made returnable to Westminster. The people returned the members, but they kept from them the power of granting any supplies of money, and doing so, it was useless for the members to come here, and accordingly that attempt totally failed. Thus there existed, up to the period of the reign of James 1st, an anxiety on the part of the Irish to be governed by British laws, and on the part of the Government, that anxiety was constantly met by resistance and refusal to grant that request. It may be said that I have anticipated the proofs and arguments upon the other side; but this is plain, that if there was no right by subjugation over Ireland, yet there was an anxiety and a disposition to submit as subjects, "in order and civility," are the terms used—that is, as subjects of a separate and distinct country, and having a Parliament sitting in Ireland. Why did the descendants of English settlers refuse this? Because they desired to increase their plunder—because they had a land war to carry on, the consequence of which was expected to be, the acquirement of individual territory, and an enrichment by individual plunder, even though there was a lessening of the power of the Crown. During these centuries that I have alluded to, there was another plan formed, the most cruel and the most dishonest, to harass, to annoy, and to plunder the Irish, and it succeeded by means as cruel and as mean as the project was dishonorable. It was the wish of the Irish to become subjects, and of the ruling English powers that they should remain enemies. At length, in the reign of James 1st, the whole of the inhabitants were amalgamated under the one government, and that amalgamation was produced by crimes at which the person hearing of them should start with horror. Divisions were fomented—dissensions promoted—the weak were roused against the strong—the stranger against the native—the insignificant against the wealthy—the O'Donnell was supported against the O'Neill—the illegitimate brother against the legitimate son, and when they had invaded the property of the legitimate, when they attacked and took from him the county of Tyrone, they then declared that the lawful heir of it had forfeited it by his resistance! By this cruel policy—which I am bound thus to go through and expose, however reluctantly—by this most cruel policy, inroads were made upon the property of the native Irish, and at length those who despoiled them obtained a rule over the whole country. But let me inform the House of this, that this dominion was obtained, as I have said, not by battle—not by the submission of the people, but by the perpetration of the most horrible cruelties that one class of human beings ever yet inflicted upon another. The story of Spanish cruelties in South America, is mild and moderate compared with the dark catalogue of crimes, of cruelties, and atrocities, which were committed in Ireland and against Irishmen. I hold in my hand extracts, not from Irish historians, not from Catholic historians after that distinction was introduced; but from writers of the ascendant party, and who charge their own friends with the committal of the greatest crimes that ever yet disgraced humanity. In Morrisson's History of Ireland, we find, in 1577, this fact—'The 'Lords of Connaught and O'Rorke made 'a composition for their lands with Sir 'Nicholas Malby, governor of the pro-'vince, wherein they were content to yield 'the Queen so large a rent, and such 'services, both of laborers to work for the 'occasion of fortifying, and of horse and 'foot to serve upon occasion of war, that 'their minds seemed not yet to be alien-'ated to their wonted awe and reverence 'to the Crown of England. Yet, in that 'same year, an horrible massacre was 'committed by the English at Mullogh-'maston, on some hundreds of the most 'peaceable of the Irish gentry, invited 'thither on the public faith, and under 'the protection of Government.' This massacre is thus described by the Irish annalists—'The English published a pro-'clamation, inviting all the well-affected 'Irish to an interview on the Rathmore, 'at Mulloghmaston, engaging them at the 'same time for their security, and that no 'evil was intended. In consequence of 'this engagement the well-affected came, 'and soon after they were assembled, they 'found themselves surrounded by three or 'four lines of English and Irish horse and 'foot, completely accoutred, by whom 'they were ungenerously attacked, and 'cut to pieces, and not a single man 'escaped.' Sir, in the same year another atrocity was perpetrated. In 1583, we find this stated by Borlase—'The garrison 'of Smerwick, in Kerry, surrendered upon 'mercy to Lord Deputy Gray; he ordered 'upwards of 700 of them to be put to the 'sword or hanged; repeated complaints 'were made of the inhuman rigor prac'tised by this Deputy and his officers; 'the Queen was assured that he tyrannised 'with such barbarity that little was left in 'Ireland for her Majesty to reign over, 'but ashes and dead carcases.' The mode of accomplishing the destruction of the garrison of Smerwick is described thus: 'Wingfield was commissioned to disarm 'them, and when this service was per'formed, an English company was sent 'into the fort, and the entire were 'butchered in cold blood; nor is it with'out pain we find a service so horrid and 'detestable committed to Sir Walter Ra'leigh, for which, and other such exploits, 'he had 40,000 acres of lands bestowed on 'him in the county of Cork,' which he afterwards sold to Richard first Earl of Cork. A great portion of the county Down was obtained in the manner I will now describe to the House on a better authority than my own—'Walter, Earl of Essex, on the 'conclusion of a peace, invited Bryan 'O'Niall, of Claneboy, with a great num'ber of his relations, to an entertainment 'where they lived together in great har'mony, making good cheer for three days 'and nights, when on a sudden O'Niall 'was surprised with an arrest, together 'with his brother and wife, by the Earl's 'order. His friends were put to the 'sword before his face, nor were the 'women and children spared; he was 'himself, with his brother and wife, sent 'to Dublin, where they were cut in 'quarters. This increased the disaffection 'and produced the detestation of all the 'Irish; for this chieftain of Claneboy was 'the senior of his family; and as he had 'been universally esteemed, he was now 'as universally regretted.' The county Monaghan was acquired about 1590, in this manner. 'About this year died 'M'Mahon, chieftain of Monaghan, who, 'in his lifetime, had surrendered his 'country into her Majesty's hands, and 'received a re-grant thereof, under the 'broad seal of England, to him and his 'heirs male, and in default of such to his 'brother, Hugh Roe M'Mahon, with the 'other remainders, and this man dying 'without issue male, his said brother came 'up to the state that he might be settled 'in his inheritance, hoping to be counte'nanced and cherished as her Majesty's 'patentee. But he found he could not 'be admitted until he promised 600 cows '(for such, and no other, were the bribes). 'He was afterwards imprisoned for failing 'in part of the payment, and in a few 'days enlarged, with promise that the 'Lord Deputy himself would go and settle 'him in his county of Monaghan; whither 'his lordship took his journey shortly 'after with M'Mahon in his company. 'At their first arrival, the gentleman was 'clapped into bolts; in two days after he 'was indicted, arraigned, and executed 'at his own door: all done by such officers 'as the deputy carried with him for that 'purpose from Dublin. The treason for 'which he was condemned was, because 'two years before he, pretending a rent 'due to him out of Fearney, levied forces 'and made a distress for the same, which, 'in the English law (adds my author), 'may, perhaps, be treason, but in that 'country, never before subject to law, it 'was thought no rare thing nor great 'offence. The Marshal, Sir Henry 'Bagnal, had part of the country; a 'Captain Hensflower was made seneschal 'of it, and got M'Mahon's chief house and 'part of the land; and to divers others 'small portions were assigned; and it is 'said that these men were all the contri'vers of his death, and that every one 'was paid something for his share.' But, Sir, the further progress towards English dominion in Ireland is stained with crimes of the worst character—by plunder, by the wilful creation of famine and formation of insurrections—by the hiring of assassins—by the total devastation of the country. It is a painful and a melancholy duty for me to have to recite these facts; but it is my firm conviction that it is my duty to detail them. I bring them now forward to lay down a basis for my arguments, and from which I think the inevitable conclusion in the minds of gentlemen will be, that they are bound to vote in support of the Motion which I shall conclude by submitting to the House. Of the period between 1580 and 1590 we are told—'Nor 'were these incessant acts of cruelty suffi'cient to appease the enmity of the 'Queen's officers. That destruction which 'their swords had left unfinished they now 'industriously completed by a general 'famine. Mr. Morrisson mentions this method of ending the war with a seeming complacency, at least without dislike. But the effects of it were too horrible to be unfeelingly related, even by an enemy, "because," says he, "I have often made mention formerly of our destroying the rebels' corn, and using all means to famish them, let me now by two or three examples shew the miserable estate to which they were thereby reduced." He then, after telling us that Sir Arthur Chichester, Sir Richard Morrisson, and other commanders, saw a most horrid spectacle of three children, whereof the eldest was not above ten years old, feeding on the flesh of their dead mother, with circumstances too shocking to be repeated, and that the common sort of rebels were driven to unspeakable extremities, beyond the records of any histories that he had ever heard of that kind. "No spectacle," adds Morrisson, "was more frequent in the ditches of towns, and especially in wasted villages, than to see multitudes of these poor people dead, with their mouths coloured green, by eating nettles, docks and all things they could rend up out of the ground. The Lord Deputy and Council, in a letter to the Lords in England, concerning their receiving the submissions of some Irish chiefs, acquainted them that they had received their submissions partly for the good of the service, and partly out of humane consideration having (say they) with our own eyes daily seen the lamentable condition wherein we found everywhere men dead of famine; and they add, that in the space of a few months above 3,000 were starved in Tyrone." Thus had the Queen's army, under Lord Mountjoy, broken and absolutely subdued all the lords and chieftains of the Irish; whereupon, the multitude being brayed as it were in a mortar (says Sir John Davies) with sword, famine, and pestilence, together submitted themselves to the English Government, received the laws and magistrates, and most gladly embraced the King's pardon and peace in all parts of the realm, with demonstrations of joy and comfort."' There is another document to which I will refer, from the pen of Spencer, it is a feeling and an accurate description of the mode in which this species of warfare was carried on in Ireland. Here are his words:—'Notwithstanding that the same was a most rich and plentiful country, full of corn and cattle, yet ere one year and a half, they were brought to such wretchedness as that any strong heart would rue the same. Out of every corner of the woods and glens they came creeping forth upon their hands, for their legs could not bear them; they looked like anatomies of death; they spoke like ghosts crying out of their graves; they did eat the dead carrions—happy were they could find them; yea, and one another soon after, insomuch as the very carcasses they spared not to scrape out of their graves; and if they found a plot of water-cresses or shamrocks, there they flocked as to a feast, for the time, yet not able to continue there withal, that in short space there was none almost left and a most populous and plentiful country suddenly left void of man and beast.' Lombard, another writer on Irish history, tells us—'After Desmond's death, and the entire suppression of the rebellion, unheard-of cruelties were committed on the provincials of Munster by the English commanders. Great companies of these provincials, men, women, and children, were often forced into castles and other houses, which were then set on fire, and if any of them attempted to escape from the flames, they were shot or stabbed by the soldiers who guarded them. It was a diversion to these monsters to take up infants on the points of their spears, and whirl them about in their agony, apologising for their cruelty by saying, that if they suffered them to grow to live up they would become rebels. Many of their women were found hanging on trees, with their children at their breasts, strangled with the mother's hair!' Recollect, now, that the object of all their cruelties was to obtain dominion over Ireland. I am glad that I have but two documents more of a similar character; but they are of great interest, and I think they will show gentlemen how exceedingly ignorant they are of the woes and misfortunes of Ireland, and prove to them with what audacity the greatest crimes were committed against my country. Morrisson acquaints us that Lord Mountjoy never received any to mercy but such as had drawn blood on their fellows. 'Thus,' says he, 'M'Mahon and M'Artyle offered to submit, but neither could be received without the other's head.' But barbarous as these terms of acceptance were, they were sometimes reluctantly complied with. 'I have, it 'seems, made,' says Lord Mountjoy, 'some 'of the subjects already reclaimed, and 'in these times suspected, put themselves 'in blood already, for even now I hear 'that Lord Mountgarret's sons have killed 'some of Cloncare's and some of Tyrell's 'followers since I contested with their 'father about somewhat I heard suspicious 'of them.' 'About this time,' says he, 'Nugent came to make his submission to 'the President, by whom he was told, that 'as his crimes and offences were extra'ordinary, he could not hope for pardon 'unless he would deserve it by some 'extraordinary services, which, said the 'President, if you will perform, you may 'deserve not only pardon for your faults 'committed heretofore, but also some 'store of crowns to relieve your wants 'hereafter. Nugent, who was valiant and 'daring, and in whom the rebels reposed 'great confidence, presently promised not 'to be wanting in anything that one man 'could accomplish, and in private made 'offer to the President that, if he might 'be well recompensed, he would ruin 'within a short time, James Fitzthomas, 'the then reputed Earl of Desmond, or 'his brother John. But the President, 'having before contrived a plot for James, 'gave him in charge to undertake his 'brother John. Accordingly, some few 'days after, Nugent, in riding in company 'with John Fitzthomas and one Mr. 'Coppinger, permitted this great captain 'to ride a little before him, minding (his 'back being turned) to shoot him through 'with his pistol, which, for the purpose, 'was well charged with two balls. The 'opportunity offered—the pistol bent—'both heart and hand ready to do the 'deed, when Coppinger, at that instant, 'snatched the pistol from him, crying 'treason;' wherewith John Fitzthomas 'turning himself about, perceived his in'tent. Nugent, thinking to escape by the 'goodness of his horse, spurred hard. 'The horse stumbled, and he was taken, 'and the next day, after examination and 'confession of his intent, hanged. In his 'examination he freely confessed the 'whole intent, which was, to have des'patched John Fitzthomas, and immedi'ately after to have posted to his brother 'James, to carry the first news thereof, 'intending to call him aside, and in a 'secret manner to relate the particulars 'of his brother's murder, and then to exe'cute as much upon him also.' Here the House must perceive, that to establish English power in Ireland the basest means were resorted to: and I now ask Gentlemen is it by such means you claim a title to dominion in Ireland? Are these your title deeds—these the acts which give one human being power over another? The good feeling of the present day will recoil against an assertion of right founded on such atrocities. I, myself, have felt it to be an extremely unpleasant duty to state them; but I give them as a part of history—I put them forward as part of my case, and I challenge my opponents to show that the subjugation of Ireland was not brought about by conquest, but that it was effected by the most shameful deceit and devastation, and by means the most horrible and cruel, which were to others woe, but were disgraceful only to the oppressors who used them. This part of Irish history I quote with something of readiness; because it has not in it anything of sectarian distinctions, and there is here no question between one religion and another. The question here is the subjugation of those whom their opponents chose to call rebels, but who never were recognised as subjects. On this account it is the less painful to me to go into these details. I dwell upon them to show, that England has nothing by charter—nothing by conquest—to claim from Ireland, or to prove that the Irish should be subjugated. England has no claim unless such crimes as I have detailed be her claim. I know it may be said, that it would be better for me not to mention these matters,—and I have considered it much whether I should bring forward at all this part of my case—I know how unfavourable an impression it may produce against myself by at all bringing it forward, but, after the best reflection I could give the subject, I have determined on advancing it, in order that the English and the Irish of this day, both shall know upon what foundation that connexion has been placed. I do not say, that any authority is now derived from the crimes I have recited; but they are mentioned to put an end to the possibility of reverting beyond 1614 for claiming any species of domination over the people of Ireland. The period of James 1st is, then, that period in history, in the domestic history of the countries, when there existed the two nations having the one Sovereign. The

Sovereign existed as King of England with his Parliament, and he also existed as King of Ireland—a separate and distinct nation with its Parliament. Crimes were then committed; but that is part of the domestic history of Ireland. The story of the reign of James 1st, in Ireland, is a deplorable narrative of treachery, plunder, and cruelty; but that is part of the domestic history of Ireland. Strafford—haughty, treacherous, and abandoned—ruled with an absolute dominion, which was as fatal to his sovereign as it subsequently was to himself—he completely tyrannised over Church and State; but that also is part of a domestic history—it is part of the history of another and an independent nation. In the progress of the Cromwellian usurpation, the crimes of the house of the Stuarts, even when the Duke of York, afterwards James 2nd, took 40,000 acres from the men who had fought for his father—the revolution of 1688 - -the breach of the treaty of Limerick, —all this is domestic history. These are all features of our own story; and when there existed a Parliament sometimes greatly checked, and at other times partly free, for Poynyngs' law was repealed four times, and the judicial independence of Ireland was maintained. Shackled even as the Legislature was, there existed a distinct Legislature—the King of both countries was the same—the Parliaments alone were different. That was the state of things down to 1778—Ireland continued to have a separate and distinct Legislature. Look from the reign of James 1st down to that period; and my case is, that to that time England had not a shadow of a title to a dominion over Ireland, except, that the Sovereign of Ireland was equally the Sovereign of England. During the whole of that period the title of Ireland was completely perfect to possess an independent Legislature, sometimes fettered by authority; a domestic Parliament at least, controlled unjustly because of the weakness of Ireland, and not by reason of any ingredient in the Constitution of Ireland. They were separate and distinct kingdoms—they were separate nations,—and the Act requiring that the laws of Ireland should first be sanctioned by England before they were valid, was an act of usurpation. From the end of the wars of William until 1778, this was the situation of Ireland. The Act of 1778 gave some scope to the resources of the country, and upon no country under Heaven have so many natural blessings been conferred as upon Ireland. The opportunity then having been given for those resources to develope themselves, Ireland was growing in wealth and prosperity. Let it be remarked, that the wealth of Ireland followed Irish independence. In 1778, the Legislature relieved a great part of the population from those disabilities under which they laboured in consequence of the penal laws. What was the first result of that beneficial measure? The trade of Ireland, that had been unjustly crippled by British monopoly and British interests, righted itself, and free trade was extended by the combination of the people and Parliament of Ireland. The Act establishing that was recognised by the British Legislature. This is part of my case, for it shows you that where something useful was given, something beneficial was also received, and both nations were benefited by a measure of justice. The principle of justice was introduced in 1778, and one of its practical details was a free trade in 1779. That necessarily accumulated and increased the energies and powers of the people—both were directed to the advantage of Ireland; and, accordingly, in 1782, Ireland worked out the principle of its Parliamentary existence. A Parliament in Ireland was first confined to the Pale; it was next, in the reign of James 1st, extended throughout Ireland; still, however, unjustly controlled. But it worked out its entire developement in 1782, when the full legislative and judicial independence of Ireland was attained. Never yet was any change or revolution in any country so complete, so honourable, so glorious to a people, as the change which was then accomplished. There was not a crime to stain it—not one drop of blood to tarnish it. It was the perfection of human patriotism, and afforded an example which I should be happy to see the world imitate. It was the greatest of political changes, without the smallest particle of crime to deteriorate from its value. And that change, Sir, was a treaty solemnly made with the governing powers—it was entered into deliberately by England, and confirmed by her Government—it was founded upon a message of the King—the King of Ireland. It was a wise and generous message. On the 16th April, 1782, this message was delivered to the

Irish Houses of Parliament. His Majesty stated, "That being concerned to find discontents and jealousies prevailing amongst his loyal subjects in Ireland, he earnestly recommended to the House to take the same into their most serious consideration, in order to such a final adjustment as would give mutual satisfaction to both countries." The revolution then accomplished (continued Mr. O'Connell) was no hasty rebellion—it was not obtained even by those circuitous means which, in modern times, it may be necessary to adopt. No; those who were authorised by the Constitution gave their sanction to this great constitutional principle, sanctioning, authorising, and recognising, the independence of Ireland. The Irish then said, 'We are a separate nation from you—'Ireland belongs to your King, as England 'belongs to him; we belong to the same 'King; but we ought to have distinct Legislatures. You have admitted this 'principle—our Legislature is nearly as 'old as your's—both began nearly at the 'same time—and the records of our Parliament are nearly as old as those of 'England. When your power was extended all over Ireland, Parliament was 'co-extensive with the confines of Ireland." If ever there was a solemn treaty recorded in history, this was one, sanctioned by the message adopted by its Parliament, and approved of by its people. It was Ireland's right to have an existing Parliament; never was anything so broadly and so legibly recognised; it was admitted, even though many unjust usurpations had been made in spite of the admission. Many usurpations, I say, have since been made, and not the least of them is establishing at Westminster an appellate jurisdiction for Ireland. If there were no other reason, the inconvenience of that jurisdiction alone is sufficient to justify the call for Repeal. The vexation and delay of the appellate jurisdiction is intolerable: it is the most cruel of hardships that a client from Donegal or Kerry must have recourse to Westminster Hall and the House of Lords, there to decide that which ought to be determined at home. It may be fine in speech, but it is a cruel mockery to the Irish peasant to tell him to look to Westminster for an equitable decision should he be treated unjustly at home. This is one of the inconveniences of the Union—it is one of the grounds of my complaints against the Union—it is one of the reasons which makes me think that Irishmen should struggle to gain back again the independence of their Parliament. I have read for you the message of the King in 1782—I will now read for you the unanimous, the unqualified reply of the Parliament. The Minister attempted to introduce two or three sentences, which would have mitigated its force; but they were rejected by every body, and, at last, abandoned by himself, and this address was unanimously agreed to:—'To assure his Majesty that his 'subjects of Ireland are a free people; 'that the Crown of Ireland is an imperial Crown, inseparably annexed to 'the Crown of Great Britain, on which 'the connexion, the interests, and happiness of both nations essentially depend.' (*Hear.*) I adopt every word of it, and truth more distinct and plain was never yet uttered by human lips. The address goes on:—'But that the kingdom of Ireland is a distinct kingdom, with a Parliament of her own, the sole Legislature 'thereof; that there is no body of men 'competent to make laws to bind this 'nation, except the King, Lords, and 'Commons of Ireland; nor any other 'Parliament which hath any authority or 'power of any sort whatsoever in this 'country, save only the Parliament of 'Ireland. To assure his Majesty, that 'we humbly conceive, that in this right 'the very essence of our liberties exists—'a right which we, on the part of all the 'people of Ireland, do claim as their 'birthright, and which we cannot yield 'but with our lives.' Yes, that was the assertion of liberty, and whenever the same spirit walks abroad in Ireland again, that moment the Irish Parliament will be restored (with your consent) to my country. A sad and a melancholy story is that of English rule in Ireland. Many are the crimes—many are the woes—many the misfortunes, of the children of Ireland—and many have been the violations of treaties made with them; and mark! now, I defy the congregated malignity of the world to show one instance in which the Irish violated any one treaty into which they entered. I could point, only that I do not choose to burthen myself, to 100 documents, which it would pain both you and myself to read. I could show you 100 instances in which treaties were only made with the Irish to be violated. British writers have openly descanted on the vanity and foolishness of keeping faith with the rebel and popish Irish; and while they thus brand their own want of faith, I defy any man to show that the Irish ever violated any treaty into which they entered. There was, indeed, a period brilliant in Irish history—a period when the Irish gentry—when the great Protestant families took the lead. That was a glorious occasion; and the names of many of them which belong to history live in the affections, and are dear to the recollections, of the Irish people. I speak of the great movement in 1782. No matter how different may be their politics, there is not any one of the families of those men who does not boast that his father was a colonel of the Irish Volunteers. Many a dissension has occurred since. There has been the violence of party animosity; and yet, when I have spoken to a son of an Irish Volunteer, he has always insisted that Ireland should be free—that Irishmen should recognize no masters—that no laws should be passed for his country but those sanctioned by the King, Lords, and Commons of Ireland. The act of 1782 was our treaty—it was our charter—and it is not now to be got rid of by any species of special pleading. The Act of 1782, was the Irish charter of liberty—it was not given up by the people. It was their charter then, it is their charter still. You cannot blot it out. You may create, as you have created, faction. You may continue, as you have continued, dissensions amongst us. You may adopt and feign, as you have done, the most paltry pretences; but the people, the people of Ireland, will still insist upon their charter being revived. I insist upon it, that that charter was obtained by the best means, and granted in the most solemn manner; it was a compact voluntarily and deliberately entered into, and it was a compact in which the Irish people endeavoured to follow up the principles of the British Constitution. The Irish Parliament passed that Act—the King of Ireland assented to it—the Lords and the Commons were a party to the treaty—it was perfect, complete, and should have been irreversible. What do we ask for now? The full extension of the principles and the benefits conferred by the final adjustment of 1782. Many of us were alive, and we felt the benefits of that arrangement, and yet we saw ourselves divested of it. I am one of them, and yet I live to tell it! If it were possible to have existed—if it were possible to have survived—it could only be, because of the hope that my country would be restored to all her rights—without that hope, existence would not be worth preserving. The improving spirit of my countrymen, the amelioration of their feelings towards each other, prove that they are advancing to that state when the charter of 1782 must be conceded to them. You may be convinced of this. Whether I abandon the question or not, is immaterial; but this I tell you, even if I were to abandon it, it never would be abandoned by the people of Ireland. I close here the first topic, and the first part of my argument, and I proceed to the next. I first firmly assert, the charter still remains, and I throw the burthen upon the other side, to show by what title that final adjustment was evaded, and that solemn compact broken. I proceed to show how the independence of Ireland was obscured, for it is not lost. Before I go to that, I am anxious to allude to a topic upon which I delight to dwell—it is the effects to Ireland of her having an independent legislature. If the form of government be immaterial, as some assert—an opinion in which I do not agree with them—if, as some say,

> "For modes of law let casuists contest,
> Those that are best administer'd are best."

Let us look to what were the effects of the independence of Ireland, and we shall soon discover the blessings which good government bestowed upon the country. I am delighted to be able to do this now, because I believe that there will be brought forward multitudinous calculations, by which Ireland will be conjured into a state of prosperity. These documents, too, may be fabricated for the occasion—they may be treasured for the occasion; to be sure, it may be thought a good trick, as "dulness ever loves a joke," and they, too, may be prepared for the period on which they are used. But the documents to which I refer are not so tainted—there is no trickery, and there can be no fabrication about them. Let it be remembered, too, that the experiment of independence in Ireland was made under exceedingly unfavorable circumstances—that was not a Reformed Parliament; and yet the prosperity of Ireland followed its independence; besides, its independence was qualified by this, it was a boroughmongers' parliament. There were forty boroughs created in one day; it was not the people, but a party, who returned the Members, for a considerable portion of the people were excluded from voting. It was impossible that the experiment could have been made under more unfavourable circumstances; but then it was an Irish and a national parliament, and it did much good for the country. It had, of course, its defects. It has often been assailed, and nothing has been more common than to abuse and calumniate it; and yet, abused as it has been, it showed several instances of excellent virtue, and it defied the Ministers more than once. With three hundred Members, it had a permanent opposition of ninety—a number quite sufficient to keep any ministry in check; they might be mistaken in their opposition, as one of them, Sir Edward Garrey, was, who declared, that "he had never voted with the minister, whether right or wrong." But still it was independent; it did not seek for court favours nor Treasury dinners; and, notwithstanding all its faults, it was not worse than its neighbours. It certainly never had voted that the Walcheren expedition was wise and expedient. If the right hon. member for Limerick (for Cambridge, I mean)—and I assure him the mistake was unintentional—but if the right hon. Gentleman had discovered, that the Irish House of Commons had travelled through the multiplication table, and discovered by that, or any other conjuring process—ay, and voted it, too, that a pound note and a shilling were equal to a guinea in gold—and yet the moment you walked out of the House, it was discovered that a guinea in gold was worth a pound note and seven shillings — if the right hon. Gentleman had discovered any thing of that kind done by the Irish Parliament, how he would have diverted the House with it!—if this had been done by an Irish Parliament, and the same Parliament had, in less than a fortnight afterwards, passed an Act of Parliament, settling that the guinea in gold was actually worth twenty-seven shillings. Yet, Gentlemen, it was an English, and not an Irish, Parliament did this. Both Parliaments have committed many crimes against the people; but, on some occasions, the Parliament of Ireland was more honest than that of England. On the Regency question, for example, I firmly assert, that more honesty and independence were exhibited by the Irish than the English Parliament. The British Parliament then voted, that Mr. Pitt should be, in effect, the Regent; while the Irish Parliament considered, that, if the King's body were dead, his heir, being of full age, should naturally ascend the Throne; and that, if the mind were dead, whether that occurred from age or affliction, that, without which the carcase was as dead, they thought that, under such circumstances, the heir, being of full age, should be the Regent. In that I think they acted wisely and properly. I see (said Mr. O'Connell pointing to Mr. Secretary Stanley) a note taking of that. I wish the gentleman joy of it; and, in order that I may dispose of the argument to follow from it, let me observe that, by the 33rd Henry 8th, the King, *de facto*, of England, is the King, *de jure*, of Ireland. Only extend that principle to the case of a Regency, and the Regent of England, *de facto*, becomes the Regent of Ireland, *de jure*. With the settlement of the Crown of Great Britain I meddle not. The Irish Parliament had then, in the first instance, to decide it as you had, in whose hands the executive power was to be placed. There was no precedent, no rule, to guide them; and I contend, that they acted well. To return, however, to the effects of independence in Ireland. The independent Parliament gave prosperity to the Irish people; and, one necessary effect that followed from it was, to check the progress of absenteeism amongst the great and the noble. And I here challenge my opponents to show any expedient so well calculated as a resident Parliament to check absenteeism. It is the means best to be adopted, for bringing those who have property in a country to attend to the welfare of the people who reside in it. But was Ireland prosperous under her own Parliament? In this debate I consider myself as counsel for Ireland; and the first witness that I shall summon is Lord Clare. He is one over whom I could not be supposed to have any control. His speech was published in 1798; and he tells you what were the effects to Ireland of an independent Parliament, from 1782 to 1798. "There is not," he said, "a nation on the face of the habitable globe, which has advanced in cultivation, in agriculture, in manufactures, with the same rapidity, in the same period, as Ireland." That is the evidence of Lord Clare, who declared, that no nation had advanced with the same rapidity in agriculture and manufactures as Ireland, from 1782 to 1798; that is, two years before the Union. He was Chancellor, too, in his day. Let me now take the evidence of another Chancellor, who thus described Ireland at the same period:—'As a little island, with a population of '4,000,000 or 5,000,000 of people, hardy, 'gallant, and enthusiastic; possessed of 'all the means of civilization; agriculture, 'and commerce, well pursued and understood; a constitution fully recognised 'and established; her revenues, her trade, 'her manufactures, thriving beyond the 'hope, or example, of any other country 'of her extent; within these few years, 'advancing with a rapidity astonishing 'even to herself; not complaining of deficiency in any of these respects, but enjoying and acknowledging her prosperity. She is called on to surrender them 'all to the control—of whom? Is it to a 'great and powerful continent, to whom 'nature intended her as an appendage?—'to a mighty people, totally exceeding 'her in all calculation of territory or population? No; but to another happy 'little island, placed beside her in the 'bosom of the Atlantic, of little more than 'double her territory and population, and 'possessing resources not nearly so superior 'to her wants; and this, too, an island 'that has grown great, and prosperous, 'and happy, by the very same advantages 'which Ireland enjoys—a free and independent constitution, and the protection 'of a domestic superintendent Parliament.' That is the opinion of Lord Chancellor Plunkett! There is the living Chancellor following the dead — the testimony of one corroborated and confirmed by the testimony of the other. I will quote another authority, a great one in this House: he was a Chancellor, too—but he was a Chancellor of the Exchequer—I mean Mr. Pitt; and, in his speech for carrying the Union, we find this important testimony in a speech published by his authority. Mr. Pitt begins by quoting Mr. Foster's speech, in 1785, on the then state of the international trade between England and Ireland, which he adopted:—'The exportation,' he said, 'of Irish products to England amounts to two millions and a half annually; and the exportation of British products to Ireland 'amounts to one million!' That is a proof that Ireland was a flourishing country before the Union. But I have another evidence; it is Lord Grey. He was then Mr. Grey, and he then asserted the principles for which I now contend. When Mr. Grey, in his opposition to the Union, was taunted upon the prosperity of Scotland since the Union, he said: 'In truth, 'for a period of more than forty years 'after the Union, Scotland exhibited no 'proofs of increased industry and of rising 'wealth—till after 1748 there was no 'sensible advance of her commerce. Several of her manufactures were not established till sixty years after the Union, and 'her principal branch of manufacture was 'not set up, I believe, until 1781. The 'abolition of the heritable jurisdictions was 'the first great measure that gave an impulse to the spirit of improvement in 'Scotland. Since that time, the prosperity of Scotland has been considerable, 'but certainly not so great as that of Ireland has been within the same period.' There is the testimony of two Lord Chancellors—Lord Chancellor Clare and Lord Chancellor Plunkett; of John Foster, of William Pitt; and there, too, is the testimony of Lord Grey—all of them demonstrating the prosperity which Ireland enjoyed when her Parliament became independent. But I possess another document derived from the Report on the condition of commerce in Ireland, which was drawn up on the Motion of the hon. member for Cambridge, by which I can show, that the consumption of Ireland increased considerably above that of England during the period of Irish legislative independence. I will take for the example—tea, sugar, tobacco, coffee, and wine. Within this period, from 1782 to 1797, the consumption of tea in Ireland increased eighty-four per cent, while in England it only increased forty-five per cent; the consumption of tobacco increased 100 per cent, and in England but forty-five. The consumption of wine had increased in Ireland seventy-four per cent; England, twenty-two per cent; while the increased use of coffee in Ireland was proved by figures, stating the increase at 600 per cent; England being left with an addition of only seventy-five per cent. These are evidences of the increase of prosperity during this period, and I cannot be suspected of preparing or manufacturing these proofs. They, however, establish this fact completely—that a considerable increase, during a number of years previous to the Union took place, in the consumption of articles of luxury and comfort by the people of Ireland. I will now advert to another topic, although I confess that it would be at least equally pleasing to me to dwell upon the commercial effects of legislative independence in Ireland. It is enough, however, that I have completely proved, that as Ireland effected the most glorious Revolution in point of principle, and moral conduct in 1782, so that Revolution led to the most useful consequences in extent of consumption, extent of commerce, and the enjoyments even of the luxuries of life. That with which I first began was a painful subject; but that with which I close, my proofs of the independence of Ireland, is a matter of great and peculiar gratification. The second topic, with regard to the effects produced by its legislative independence, is a subject equally pleasing; and let me not, however, be led away from it, until I assert, that there is not a man in Ireland old enough to remember that period, who does not know that not a particle of that independence has ever been surrendered. I was young, to be sure, in 1782; it was the first year of which I can distinctly remember anything connected with public affairs; but I am old enough to recollect the increase of the prosperity of my country. I have seen it expand—I have witnessed its decay; and I most sincerely trust, that I shall live to see prosperity and happiness revive under an independent and national Legislature. Since the Union, Ireland has grievously declined, both in prosperity and political freedom. With regard to the Act of Union which has been the great source of Ireland's wrongs, I fearlessly maintain, that that Act was not legal. The Irish Parliament had no right to transfer its powers to the Legislature of Great Britain. It is not by merely throwing an Act of Parliament before me that you can prove anything. There might be an Act of Parliament passed to vest the Crown of this realm in Louis Philippe to-morrow; but it would be merely an Act in shape and form—in reality an ordinance which everyone of us is bound to resist to the death upon principle. Is there any authority competent to strike down the liberties of the people of Ireland? The British Parliament have no such authority. The people have the inherent power to govern in themselves; and, if the people choose to alter a Government, the natural feeling is, that they have the power and the right to do so. But I deny that the British Parliament has any such authority, or that the Irish Parliament had any such authority. I assert here, as I have asserted before in other places, that the Irish Parliament was utterly incompetent to annihilate the Legislature of Ireland, as they assumed to do by the Act of Union; and on behalf of the Irish people, I protest against its competency. The Parliament had the power to make laws—that principle is quite clear; so have you the power to make laws; but neither of these Parliaments had the power to make Legislators. You may alter and modify a branch of the Legislature, but have not the power to annihilate the Legislature. You have not the power of transferring to France at this moment—to the Chamber of Deputies—the right of taxing the people of this country. Oh! how I should be surprised at any man getting up in this House and saying, "Send over 100 of our Members to the Chamber of Deputies, in order that they may be allowed to tax the people of this country." It would be a suggestion that could only be considered as that of a madman. Yet the principle is the same as you have applied to Ireland. The King of England was King of France, as well as Ireland, up to the reign of George 3rd; there was little difference between the circumstances. Henry 5th was crowned King of France in France; but I ask, would that have made any difference?—Not the least, in point of principle. I, on the part of the people of Ireland, assert, that the Irish Parliament was perfectly incompetent to do this—that the Parliament of Ireland exists, in right, even at the present moment—and that the Treaty—so I will call it—of 1782, is still uninvalidated by any Act which has the sanction of any regular or competent authority. But I do not depend on my own dictum—on any assertions or reasoning of my own. I know that I cannot convince unwilling persons of the truth and justice of my general principles, as to the connexion between Great Britain and Ireland, though you will admit them the moment that the case is put as between England and the government of France. But I depend on other authorities than my own; and in this instance I have an authority which has ever been held in high respect and veneration by the Whigs—that great public writer who was the principal means, before any other man, of establishing, or rather confirming, the Revolution of 1688—I allude to John Locke. He has shown how far the Legislature could go—he has shown that the Legislature has the power of cashiering a King, and appointing a successor; and he has shown, at the same time, the utter impossibility, upon principle, of a Legislature having any power beyond this. I will read his own words, and not comment on them. 'The Legislature cannot transfer (says Mr. Locke) 'the power of making laws into other 'hands, for it being but a delegated 'power from the people, they who have 'it cannot pass it over to others. The 'people alone can appoint the form of 'the Commonwealth—which is by constituting the legislative—and appointing 'in whose hands that shall be; and when 'the people shall have said we will submit 'and be governed by laws made by such 'men, and in such terms, nobody else can 'say other men shall make laws for them. 'The power of the Legislature being 'derived from the people, by a positive 'voluntary grant and institution, can be 'no other than what the positive grant 'conveyed—which being only to make 'laws—and not to make Legislators—the 'Legislature can have no power to transfer 'their authority of making laws—or to 'place it in other hands.' Mr. Locke then unanswerably proves, that no Parliament has the right of annihilating itself—that the power of legislation can only be derived from the people—that no Legislature has any right to transfer the power so conferred on them into any other hands. He does not dispute the right or the authority of Parliament to remodel the Legislature of the country—that is part of your law—but he does dispute the power of making a different Legislature for those persons over whom this Legislature has no kind of control whatever. But to come to a more modern authority, to which a certain portion of this House will be ready to give due weight and consideration. I find it expressly declared, and laid down, that 'You may make the Union 'binding as a law, but you cannot make 'it obligatory on conscience. It will be 'obeyed as long as England is strong, 'but resistance to it will be in the abstract 'a duty; and the exhibition of that resistance will be a mere question of prudence.' Who did hon. Members (Mr. O'Connell continued) think, said that? Was it some wild agitator, was it some popular orator who had said it? No. It was one of the most distinguished lawyers of the present day; one who for twenty years had managed all the Government law business in Ireland. The name of the high authority to which he referred was Saurin, the Attorney General for Ireland. He would be glad to learn, whether or not Lord Grey had not since been of the same opinion? Did not his Lordship say in the speech already quoted, that the people of Ireland should wait their opportunity to recover the rights of which they had been deprived by the Act of Union? Lord Grey had never, in the whole course of his life, said anything more true. The people of Ireland were waiting, and would wait, for an opportunity to recover their rights. He had one authority more to bring forward. He had already referred to what Saurin had said on the subject of the illegality of the Union. Did he make the speech in which he expressed that opinion before he was Attorney General? No, he did not. The speech was made five years after. Well, then, did he retract? He never did. Mr. Saurin was not a man to retract. He now came to the other authority, of whom he had just stated he was about to speak. That authority had, in the most earnest and eloquent terms, warned the Irish Legislature against passing an Act of Union. That authority used language superior to any he could employ, and he would quote it to the House. 'I warn you,' said this authority, 'That I deny the competence of 'the Irish Parliament to do this act. I 'warn you not to lay your hands on the 'constitution of your country. The act 'which you are about to perform will, of 'itself, be a nullity; it will be an Act 'which no man in Ireland can be called 'upon to obey. I repeat my assertion, 'that no man is bound to obey this illegal 'act, and I call upon you to take down 'my words. You were not elected for 'this purpose. You are called upon to 'frame laws, and not to frame a legislation. You are not empowered to transfer the legislation of one country to that 'of another; and I solemnly warn you 'that, by attempting to do so, you, in 'fact, are only performing an act which 'is a dissolution of your own Govern-

'ment, and resolving all society into its 'original elements. And mark me, I do 'not here state what may be called the 'doctrines of wise and sagacious men 'alone; but I state the doctrines which 'are to be found inscribed in the very 'first records of your own Revolution of '1688, doctrines by which, and by which 'alone the House of Hanover holds any 'title to the throne of the British empire. 'Would any one venture to assert that 'the King of England can transfer his 'Crown and the allegiance of his people 'to another Sovereign? No one would. 'And you, the Irish Parliament, are as 'competent to transfer the allegiance of 'the Irish people to the French nation as 'you are to transfer your powers to the 'British Parliament. If you attempt to 'do so, that attempt is an act of abdica'tion. Yourselves you may extinguish 'and blot out, but the Irish Parliament 'you cannot. That is a body which is 'enthroned on Irish ground alone; its 'shrine is in Ireland, and in Ireland 'alone; and as well might the wretched 'suicide, in the effort of destroying his 'body, think he had effectually anni'hilated and extinguished his soul, as you, 'the Irish House of Parliament, believe 'that, in assenting to this Act of Union, 'you had put an end to the Parliament 'of Ireland. Therefore, and for all these 'reasons, I warn you not to lay your 'hands on the sacred and inviolable con'stitution.' And whose words were these? They were the words of another Chancellor of Ireland, and where was the answer to it? Oh God, it was given by the bayonet and the scourge. And who was this Lord Chancellor, who could so strongly, so eloquently, urge the truth? Who but the Lord Chancellor Plunket. Who, having been made Attorney General by the Tories, was made yet more by the Whigs, and having been induced to abdicate that office was made first Master of the Rolls, then Chief Justice of the Common Pleas, but mind, never having retracted one word of his declaration against the Union, and, lastly, Lord Chancellor of Ireland. And what authority had they to oppose to these two great men, Plunket and Saurin? Saurin, wholly unimpeached in all his original integrity; and Plunket as he was in the days of his uncontaminated political fame and consistency. Let them take Saurin in any way, either as a politician or as a lawyer, and he was completely unshakable and unshaken, and a fortunate thing was it that Ireland could command from such an uncontaminated source the declaration that the Parliament of Ireland was incompetent to perform the Act of Union. It had been said by the same authority that the Irish Parliament was not dead, but merely slept; and the late Mr. Grattan had very expressively said, that he had rocked the cradle of the Irish Parliament, and followed it to its grave, but he had no doubt it would have a glorious resurrection when all parties combined to attain their common good. He begged hon. Members to recollect how great was the importance which was attached to those solemn declarations of Lords Grey and Plunkett. Lord Grey had told the Irish people to wait for a proper opportunity to recover their rights. However little his hope was, when he entered that House, of seeing his countrymen recover their right to a legislature of their own, he trusted at least Parliament must now see that the way to satisfy them, was not by a haughty refusal to grant them the desired inquiry into the consequences which had resulted from the Union. That Union was said by some to be a national compact; but he assumed, that the Union was not an international compact, or admitting that it even had the colour or shape of a compact, he maintained that it was procured under circumstances which made it void. But he distinctly denied that the Act of Union possessed any of the characters of a compact. He knew that it had been said, "that the Act of Union was a bargain, in respect of which Ireland got some consideration; that some persons thought the consideration great, while others thought it small! But it was not a question of much or little, the fact being that the Act of Union was a contract by which Ireland got something, and by which she was therefore bound." He was ready to admit the obligatory nature of a contract with respect to those who were parties to it; they could not void with justice, yet there existed exceptions in every law. A *femme covert*, or a person deranged in intellect, could not make a valid contract, and those which were entered into by trustees for their own benefit were not binding on the parties for whom they were trustees. He repeated, however, that the Union had not any appearance of a contract, and though it was not skilful in a man addressing a public assembly to promise more than he could afterwards perform, yet he had no hesitation in declaring, that if an inquiry were granted him, he had materials to show, that there never had been committed before such enormities as those by which the Union was brought about. He had already mentioned some of the crimes perpetrated in the early periods of Irish history; but he undertook to prove, that atrocities equal in magnitude to those had been committed shortly previous to the Union, and, that the chief means by which that act was consummated were intimidation, bribery, corruption, treachery, and bloodshed. He would show, that rebellion was fomented, that divisions were kept up, that religion was distorted from its high and holy purposes, and perverted into an instrument of discord and assassination; he would trace these calamities to the promoters of the Union, to effect which they set the Catholic against the Protestant, and the Protestant against the Catholic, and made the country one universal bedlam, on purpose that they might assume the office of keeper, and turn it to their own profit and emolument. Could they then call the Union, effected by such means, a compact? He should be obliged to detain the House some time while he laid these facts before them; but the subject was important, and it was fitting, that the nature of the case of the advocates of the Repeal of the Union should be fully explained to the British Parliament and the British public. Every species of taunt, contumely, and ridicule, had been thrown on them; as base a press as ever existed had been turned against them; and they who were only advocating the rights of their country had been made the objects of the bitterest calumny. He only said this, that he might now appeal to universal Britain, through her representatives, to hear the real state of the case with respect to the object of the extinction of the Parliament of Ireland. His own conviction was, that the object of that measure was to enable the British Government to obtain a complete control over the revenues of Ireland. Whether this was a wise speculation was another consideration, but that it was the speculation he entertained not the least doubt. He was aware of the formidable advantage he was giving the right hon. Secretary of the Colonies by this avowal. He knew what the right hon. Gentleman's estimate was of English generosity and Irish beggary; yet he had not the least doubt, that he should be able to prove, that the Union was brought about for the object he had mentioned. England had engaged in a most expensive war, and her debt amounted to 420,000,000*l.* The debt of Ireland did not exceed 25,000,000*l.*, even including that which she ought not to be called on to pay—the wages of her own sin. Yet Ireland was called on to hand over her resources to a nation by whom she had for centuries been treated with oppression. It was asserted by Mr. Pitt, that "Ireland had always been treated with injustice and illiberality," and Junius said, that "Ireland had uniformly been plundered," and in these expressions might be found the history of Ireland for centuries. The British had uniformly checked the development of her resources, paralysed her exertions, and ridiculed her pretensions to commerce. They had never made any concession to her which they had the power to withhold, or granted any favour without reluctance. All the advantages which Ireland had obtained from England had been wrung from that country like drops of her heart's blood. Whose sentiments were these? The sentiments of Chief Justice Bushe. The House knew how he should be taunted if he ventured to speak in the same strain; yet how feeble was his language compared with the emphatic expression of Chief Justice Bushe? For twenty years that learned Gentleman filled the office of Solicitor-General; he was afterwards made Lord Chief Justice; and now let the House hear his description of the motives which actuated the promoters of the Union—These were his words.—'I strip this formidable measure of all its pretences and 'all its aggravations; I look upon it nakedly and abstractedly, and I see nothing 'in it but one question—Will you give up 'the country? I forget for the moment 'the unprincipled means by which it has 'been promoted; I pass by for an instant 'the unseasonable moment at which it was 'introduced, and the contempt of Parliament upon which it is bottomed, and I 'look upon it simply as England reclaiming, in a moment of your weakness, that 'dominion which you extorted from her in 'a moment of your virtue—a dominion 'which she uniformly abused, which in-

'variably oppressed and impoverished 'you, and from the cessation of which you 'date all your prosperity. It is a measure 'which goes to degrade the country, by 'saying it is unworthy to govern itself, 'and to stultify the Parliament, by saying, 'it is incapable of governing the country. 'It is the revival of the odious and absurd 'title of conquest; it is the renewal of the 'abominable distinction between mother 'country and colony which lost America; 'it is the denial of the rights of nature to 'a great nation, from an intolerance of its 'prosperity.' This he (Mr. O'Connell) asserted was the real fact, and he called Lord Chief Justice Bushe to bear witness that England promoted the Union from intolerance of Irish prosperity. He would now proceed to quote an opinion of some importance, for it was his good fortune to be arguing this question not only with the authority of Lord Clare and Lord Chief Justice Bushe, but also with that of the present Prime Minister, Earl Grey. He was not, therefore, supported by men of doubtful principles, but by the great lights of the country whose unquestioned talents had raised them above their fellow-men. The present Prime Minister said on one occasion, 'Twenty-seven coun-'ties have petitioned against the mea-'sure. The petition from the county of 'Down is signed by upwards of 17,000 'respectable independent men, and all the 'others are in a similar proportion. Dub-'lin petitioned under the great seal of the 'city, and each of the Corporations in it 'followed the example. Drogheda pe-'titioned against the Union, and almost 'every other town in the kingdom in like 'manner testified its disapprobation. 'Those in favour of the measure, possess-'ing great influence in the country, ob-'tained a few counter-petitions; yet, 'though the petition from Down was 'signed by 17,000, the counter-petition 'was signed only by 415. Though there 'were 707,000 who had signed petitions 'against the measure, the total number of 'those who declared themselves in favour 'of it did not exceed 3,000; and many 'of these even only prayed that the mea-'sure might be discussed. If the facts I 'state are true, and I challenge any man 'to falsify them, could a nation in more 'direct terms express its disapprobation of 'a political measure than Ireland has of a 'Legislative Union with Great Britain? 'In fact, the nation is nearly unanimous; 'and this great majority is composed, not 'of fanatics, bigots, or, Jacobins, but of 'the most respectable in every class of the 'community.' He had the authority of Earl Grey, then, for saying, that the Union with Ireland was not a compact, and did not even bear the slightest semblance to a compact. More than 150 years before, it appeared that my Lord Strafford issued a Commission to the Sheriff of Connaught, to try the titles of all the gentlemen of the province to their estates, and gave the Chief Baron 4*s.* for each Jury that he could provide to find a verdict for the Crown. But, lest the bribe of 4*s.* might not be enough, he also despatched a troop of horse, who were to be "lookers-on" in name, but who were, in reality, directed to bring bodily to Dublin every recusant Jury. The example of Strafford was not lost on the Irish Governors at the period of the Union. A formidable array of military force would, they shrewdly thought, be no dull incentive to be applied to the people; and, accordingly, in 1797, at which time a rebellion threatened to explode in Ireland, the military force amounted in number to 78,994 men, while in 1798, when the rebellion was put down, the military force had increased to 91,000 men; in 1799, it was not less than 114,000 men; and in 1800, two years after the Rebellion, it had augmented to 129,215 men. Thus, the army had gone on increasing precisely in the same proportion as the necessity for its augmentation had diminished. Those troops, however, were not bad "lookers-on," and were not brought in vain to Ireland. The army was employed in the service it was intended for; and that service it performed, to the ruin of Ireland and the discredit of England. What was that service? It was to suppress meetings in some places when their proceedings were likely to be opposed to the dictum of the Castle, and to control and overawe them in others; in fact, to extinguish the free expression of the popular will, or, by intimidation, to give it a direction favourable to the views of Government. In Clonmel and in Birr, meetings, legally convened and temperately conducted, were forcibly suppressed by the military. The first time he (Mr. O'Connell) ever spoke in public was at a meeting convened to resist the Union. That meeting was held under the eye of the military. Mr. Pitt told the Catholics, as an inducement to them to support the question of the Union, that, if the Union passed, they would be emancipated. Others, again, who were opposed to the Union, told them, that their support of the measure would be sealing their own degradation, and that their own freedom would be the natural consequence of the independence of their country. Mr. Pitt wrote to the Earl of Fingal, the Premier Catholic Peer of Ireland, that emancipation would be surely the reward of the adhesion of the Catholics to the Union. He had no doubt that Mr. Pitt then meant honestly; but he was overruled by a rancorous and dominant faction; and in a few years after, he resigned because he could not fulfil his pledge. When the meeting, to which he had just referred, assembled in the Royal Exchange, and were waiting for the Chairman, they heard at once the clashing of arms and the rush of soldiers, while the members, in their consternation, were hurrying from the scene of danger; indeed, the glass door and some windows were broken; the officer appeared, and told them that he had orders to suppress the meeting. The consequence was, that they were obliged to despatch an humble supplication to the Lord Lieutenant; and it was not until his gracious permission was obtained, that they were allowed to meet for the discussion of a great national question. That was a historical fact, not his simple statement; for Plowden, the Irish historian, minutely detailed the circumstances of the meeting, and said, that Counsellor O'Connell said so and so. Plowden was employed by Mr. Pitt to give a history of Ireland, and such a one as would reconcile the Catholics to the Union. Having quoted from the speeches of so many individuals, he might now, perhaps, be allowed to read two or three lines from the speech to which Plowden referred. He had then said:—'It is my sentiment, and I am 'satisfied it is the sentiment, not only of 'every gentleman who now hears me, but 'of the Catholic people of Ireland, that 'if our opposition to this injurious, in'sulting, and hated measure of the Union 'were to draw upon us the revival of the 'penal laws, we would boldly meet a pro'scription and oppression, which would be 'the testimonies of our virtue, and sooner 'throw ourselves once more on the mercy 'of our Protestant brethren, than give our 'consent to the political murder of our 'country. Yes, I know,—I do know, 'that although exclusive advantages may 'be ambiguously held forth to the Irish 'Catholic to seduce him from the sacred 'duty which he owes his country,—I 'know, that the Catholics of Ireland still 'remember that they have a country, and 'that they will never accept of any ad'vantages as a sect, which would debase 'and destroy them as a people.' These were his sentiments then, and these were his sentiments now. He stated the fact to show that, from early life, he was opposed, as he ever would be opposed, to a measure so pregnant with shame and disaster to his country. Resolutions were passed at that meeting, among which were the following, which he would beg leave to read to the House:—'That we are of 'opinion, that the proposed incorporate 'Union of the Legislature of Great Bri'tain and Ireland is, in fact, an extinction 'of the liberty of the country, which 'would be reduced to the actual condition 'of a province, surrendered to the mercy 'of the Minister and Legislature of 'another country, to be bound by the 'absolute will, and taxed at their pleasure 'by laws in the making of which this 'country could have no efficient participa'tion whatever. Resolved,—That we 'are of opinion, that the improvement of 'Ireland for the last twenty years, so 'rapid beyond example, is ascribed wholly 'to the independency of our Legislature, 'so gloriously asserted in the year 1782, 'by the virtue of our Parliament co-oper'ating with the generous recommendation 'of our gracious and most benevolent 'Sovereign, and backed by the spirit of 'our people, and so solemnly ratified by 'both kingdoms, as the only true and 'permanent foundation of Irish prosperity 'and British connexion. Resolved,—'That having heretofore determined not to 'come forward any more in the distinct 'character of Catholics, but to consider 'our claims and our cause, not as those of 'a sect, but as involved in the general fate 'of our country, that we now think it 'right, notwithstanding such determina'tion, to publish the present Resolutions 'in order to undeceive our fellow-subjects, 'who may have been led to believe, by 'false representations, that we are capable 'of giving any concurrence whatever to 'so foul and fatal a project; to assure 'them that we are incapable of sacrificing 'our common country to either pique or ‘pretension; and that we are of opinion, that this deadly attack upon the nation is the great call of nature, of country, and posterity, upon Irishmen of all descriptions and persuasions, to every constitutional and legal resistance, and that we sacredly pledge ourselves to persevere in obedience to that call as long as we have life.’ The interference of the military at that meeting was of a piece with their authorised interference on all occasions. The feelings of the Irish nation had been held at nought,—they were treated with the most galling contempt. The violence of the military was day after day augmented; the public meetings held by the Irish were interfered with in the most arbitrary and insolent manner; the popular feeling was exasperated; resistance was secretly encouraged by the satellites of the Government; and thus was the Rebellion fomented, and brought to a head, until it ended in a fearful tragedy. Give him (Mr. O'Connell) a Committee,—he would not then enter into the multitudinous proofs,—and he would establish, to a demonstration, that there would have been no Rebellion if it were not to carry the Union. That Rebellion was purely jacobinical in its origin; but at its close it was disgraced by religious rancour, and made the instrument of splitting the people into hostile factions. It, at first, as was notorious, originated with the Presbyterians of the North; it then spread over the country, embracing men of all parties and creeds; and it was for the sake of carrying the Union that it was made to explode. What was the proof? The Government had clear evidence of what was going on, and could at any moment check it; but, no; in place of arresting the chiefs, and seizing their papers, they allowed things to ripen, and the people to be goaded by petty tyranny into open revolt; and what, then, was the terrible consequence? He had heard of such things (as who had not) of free quarter, of torture, and of picketing. All these were the work of the Irish Government of those days, in order that they might enslave the country. In the year 1797, the military command was intrusted to the gallant General Abercromby, who was no party man, and from whom, therefore, truth might be expected. He found the army demoralized and disorganized, and, on the 17th of February of that year, he published his famous “General Orders,” in which he stated the memorable fact, that “the army was formidable to all but to the enemies of the country.” That was a fact which was not denied, and was undeniable. Against a foreign foe they were contemptible, though to the Irish people they were a direful scourge. The fact, he knew, had been asserted in the Irish House of Commons. He asserted in that House, that the object of the Government was, to make the Irish Rebellion explode for the purpose of carrying the Union. His authority was not rumour report, but a Report of a Secret Committee of the House of Commons in 1798. In section 14 it was stated, that a man, named Nicholas Macgnane, who was a Colonel of the insurgent army, and a member of the Provincial Committee, attended the meeting, and regularly entered into the debates, and after the business was over, went to a neighbouring Magistrate, the reverend Mr. Clelland, who was now alive, and gave the names of the parties, with an account of all the proceedings. This was in 1797. That information was duly transmitted to Government, who did not act on it, but allowed matters to go on until 1798, when they were ripe for their purpose. The Ministers then had had all the necessary information in their possession for twelve months, and yet they made no effort to check the march of rebellion, but, on the contrary, many efforts to expedite and facilitate it. They had a large army, but they did not, however, apprehend the danger to be so great as it was. They miscalculated grossly the amount of physical force, and the popular energy and moral intelligence arrayed against them, and were nearly falling into the pit they prepared for the people. The outbreak in Wexford was not the result of the concerted scheme of the leaders of the Rebellion, but was caused by wanton and premeditated cruelties, practised in order to precipitate things to a crisis before the schemes of the leaders were matured. There would have been no Union but for the Rebellion, and no Rebellion but for the Union; the Rebellion was destined to usher in the monster of the Union, that engine of English domination. But a rebellion was necessary to excite bigotry, and foster religious animosity. For that the Union was a blessing! and there was the Nero-like feeling to attain it—

Rarus et anticus habitator in urbibus errat,
Sed si non alia venturo fata Neroni invenire viam.

If there were no other way to get at a union but by rebellion, the Nero of the Union was, like the Roman, determined to find that way to it. The youth of Ireland were learning these facts, and the men of Ireland were meditating upon them. Refuse them not an inquiry, to set their minds at ease. Oh! what horrible features were to be traced in the features of that measure! The massacres of Wexford and the burnings of Scullabogue, the pillage and depopulation of whole districts, the ruin of families, the desertion of homes, the tears of the widow and the cries of famishing children, and the exasperation of millions, were to be traced to that tornado of a measure. It was a measure that was floated into the temple of the British Constitution on the blood of Irishmen. How was the Union procured but by the familiar use of torments,—by the terror inspired by a military force, amounting to 129,000 men, each of whom was judge, sheriff, and executioner,—and by drum-head Courts-martial? Let the House hear what Lord Plunkett said upon that subject:—'I will be bold 'to say, that licentious and impious 'France, in all the unrestrained excesses 'which anarchy and atheism have given 'birth to, has not committed a more insi'dious act against her enemy than is now 'attempted by the professed champion of 'the cause of civilized Europe against a 'friend and an ally in the hour of her ca'lamity and distress; at a moment when 'our country is filled with British troops, 'when the loyal men of Ireland are fatigued 'and exhausted by their efforts to subdue 'rebellion — efforts in which they had 'succeeded before those troops arrived,— 'whilst our Habeas Corpus Act is sus'pended,—whilst trials by Courts-martial 'are carrying on in many parts of the 'kingdom,—whilst the people are taught 'to think they have no right to meet, or 'to deliberate,—and whilst the great body 'of them are so palsied by their fears, 'and worn down by their exertions, that 'even the vital question is scarcely able 'to rouse them from their lethargy, at a 'moment when we are distracted by do'mestic dissensions—dissensions artfully 'kept alive as the pretext of our present 'subjugation, and the instrument of our 'future thraldom.' It might be asked, why did not the people oppose the Union — why did they concur in the measure? He (Mr. O'Connell) would put it to English Gentlemen to make it their own case, and then make allowances for the people of Ireland, especially the Catholics. If they opposed it, they would be accused as rebels; if, as Catholics, they resisted it, then would they be stigmatised as setting themselves against the Protestants. He implored the House not to dismiss this part of the case from their minds until they understood it. Here the Government had all the information in their power necessary to crush the rebellion in its infancy; yet they did not crush it. Why not arrest the leaders in time, and strike a timely blow for the restoration of allegiance? Merely that they wished to foster it to a certain extent, that they might make disaffection an excuse for robbing the country of its freedom. Who that cast a glance at the proud period of its independence could fail to see the meridian glories that shed their lustre over the heroes of 1782; and who would say, that a country which so nobly won a bloodless victory, and started up from her prostration to the full vigour of a prosperous and gallant nation, deserved to be stabbed by the clandestine emissaries of her jealous rival? He (Mr. O'Connell) would, if a Committee were given him, show beyond doubt, that the Union was carried by foul means. No columns of figures prepared at the Treasury could controvert the fact. The Irish loved their country as much as the English did, and were actuated by as high aspirations after liberty, and it was not without the foulest means that the English Government succeeded. It was not alone by intimidation or by force, that the Union was carried; but even the subsidiary means of the grossest bribery were adopted. Considering the machinery set to work, and the power employed to work it, he would maintain, if all the facts of the case were known, that that portion of the Parliament which might be said to represent the people was more virtuous than other Parliaments; and if corruption prevailed, it was with that portion that did not sympathise with the people, or represent their will. He would tell them from a high authority what means were used, 'If the Parliament of Ireland were left to 'itself, untempted, unawed, unintimidated, 'it would, without hesitation, have re'jected the measure. There were 300 'members in all, and 120 of these strenu'ously opposed the measure — amongst 'whom were two-thirds of the county

'Members, the representatives of the city 'of Dublin, and almost all the towns 'which it is proposed shall send Members 'to the Imperial Parliament, 162 voted in 'favour of the Union—of those 116 were 'placemen; some of them were English 'Generals on the Staff, without a foot of 'ground in Ireland, and completely dependent upon Government. Let us reflect upon the arts which have been used 'since the last Sessions of the Irish Parliament to pack a majority in the House of 'Commons; all persons holding offices 'under Government, even the most intimate friends of the Minister, if they 'hesitated to vote as directed, were stript 'of all their employment—even this step 'was found ineffectual, and other arts were 'had recourse to, which, though I cannot 'tell in this place, all will easily conjecture. A bill, framed for preserving the 'purity of Parliament was likewise abused, 'and no less than sixty-three seats were 'vacated by their holders having received 'nominal offices.' These were the words of Lord Grey: the following were those of Chief Justice Bushe:—'The basest corruption and artifice were exerted to promote it. All the worst passions of the 'human heart were entered into the service, and all the most depraved ingenuity of the human intellect tortured to 'devise new contrivances of fraud.' He would next quote a passage from Henry Grattan: who said, 'Half a million or 'more were expended, some years ago, to 'break down an opposition. The same, 'or a greater sum, may now be necessary. 'He (Lord Castlereagh) has said so in the 'most extensive sense of bribery and corruption. The threat was proceeded on—'the peerage was sold—the caitiffs of corruption were everywhere—in the lobby—'in the street—on the steps—and at the 'door of every parliamentary man—'offering title to some—offices to others—'corruption to all.' Mr. Grattan to his face told Lord Castlereagh, that he had said he would give 3,000,000*l.* to carry the Union, and he stood uncontradicted. It would be found, on a reference to the parliamentary documents of that day, that Ireland had to pay for the corruption of its senators, and to purchase its own slavery. The last authority to which he would refer was that of Lord Plunkett:—'During the 'whole interval between the Sessions, the 'same barefaced system of Parliamentary 'corruption has been pursued—dismissals, 'promotions, threats, promises—in despite 'of all this, the Minister feared he could 'not succeed in Parliament, and he affected to appeal to what he had before 'despised, the sentiments of the people. 'When he was confident of a majority, 'the people were to be heard only through 'the constitutional medium of their representatives; when he was driven out of 'Parliament, the sense of the people became everything. Bribes were promised 'to the Catholic clergy—bribes were promised to the Presbyterian clergy. I 'trust they have been generally spurned 'with the contempt they merited. The 'noble Lord understands but badly the 'genius of the religion in which he was 'educated. You held out hopes to the 'Catholic body, which were never intended 'to be gratified; regardless of the disappointment, and indignation, and eventual 'rebellion, which you might kindle—regardless of everything, provided the present paltry little object were obtained. 'In the same breath you held out professions to the Protestants equally delusive; 'and having thus prepared the way, the 'representative of Majesty set out on his 'mission to court his Sovereign, the Majesty of the people. It is painful to 'dwell on that disgraceful expedition—'no place too obscure to be visited—no 'rank too low to be courted—no threat too 'vile to be refrained from. The counties 'not sought to be legally convened by their 'sheriffs—no attempt to collect the unbiassed suffrage of the intelligent and independent part of the community—public addresses sought for from petty villages—and private signatures smuggled 'from public counties; and how procured? 'By the influence of absentee landlords, 'not over the affections, but over the 'terrors of their tenantry, by griping agents 'and revenue officers; and after all this 'mummery had been exhausted, after the 'lustre of royalty had been tarnished by 'this vulgar intercourse with the lowest 'of the rabble—after every spot had been 'selected where a paltry address could be 'procured, and every place avoided where 'a manly sentiment could be encountered—'after abusing the names of the dead, and 'forging the signatures of the living—after 'polling the inhabitants of a gaol, and 'calling out against the Parliament the 'suffrages of those who dared not come to 'sign them till they had got their suffrages 'in their pockets—after employing the 'revenue officer to threaten the publican 'that he should be marked as a victim, 'and the agent to terrify the shivering 'tenant with the prospect of his turf-bog 'being withheld, if he did not sign your 'addresses—after employing your military 'commanders, the uncontrolled arbiters of 'life and death, to hunt the rabble against 'the constituted authorities—after squeezing the lowest dregs of a population of near '5,000,000—you obtained about 5,000 'signatures, three-fourths of whom affixed 'their names in surprise, terror, or total 'ignorance of the subject! You have exhausted the whole patronage of the Crown 'in the execution of that system; and, to 'crown all, you openly avow, and it is notoriously part of your plan, that the constitution of Ireland is to be purchased for 'a stipulated sum. I state a fact, for 'which, if untrue, I deserve serious reprehension. I state it as a fact, that you cannot dare to deny, that 15,000*l.* a-piece is 'to be given to certain individuals as the 'price for their surrendering.—What? 'Their property? No; but the rights of 'representation of the people of Ireland; 'and you will then proceed in this, or in 'an Imperial Parliament, to lay taxes on 'the wretched natives of this land to pay 'the purchase of their own slavery. It 'was in the last stage of vice and decrepitude, that the Roman purple was set up 'for sale, and the sceptre of the world 'transferred for a stipulated price; but 'even then the horde of slaves who were to 'be ruled would not have endured that 'their country itself should have been enslaved to another nation. Do not persuade yourselves that a young, gallant, 'hardy, enthusiastic people like the Irish, 'are to be enslaved by means so vile, or will 'submit to injuries so palpable and galling.' But it was not by cash alone they succeeded in robbing Ireland of her Legislature, though that was expended on that object, to the amount of 3,000,000*l.* They pandered to the ambition of men as well as to their venality. They created four Marquesses, six Earls, five Viscounts, and twenty-two Barons; eighteen men got titles for their votes in the Commons; men who, if sent back to their constituencies, would never be returned; eight lawyers were made Judges, five of whom were as fit to be made Judges, as they were to be made Professors of Hebrew; twelve Bishops were also made in consequence of the support given by their friends to Government. But a more important fact remained to be told. The right over whole constituencies was openly bought. Boroughs were purchased for 15,000*l.* a piece; some sold for 12,000*l.* The Earl of Shannon got 37,000*l.* for his boroughs, and the Marquess of Ely 46,000*l.* Thus was the representation of the people treated as a matter of property. There were eighty-four boroughs, and of these forty-five were openly purchased. Was that a legal, not to say constitutional, mode of carrying a measure? Now, under the Bill no compensation was given to the proprietors of boroughs for the surrender of their influence; if the purchase of the Irish boroughs was legal, then the Whig Government was guilty of robbery in depriving the owners of the boroughs of schedule A of compensation. But if the boroughs of schedule A should not be made matter of barter, then the Irish Government was guilty of robbery against the State, and the Act and its consequences were illegal and invalid. There was robbery somewhere. The majority then for the Union in the Irish Parliament had been purchased; and purchased, too, in such a way, that it must have been gross bribery even in the least culpable view, or the late Reform Bill was an iniquitous robbery. Then in that he fixed the present possessors of power. Earl Grey had advocated compensation to the Irish borough-holders at the period of the Union, but now all compensation was denied. Oh, if the Tories had been in power, he should have been deprived of that argument, for they would have continued the work of compensation; but as the facts stood his position was unassailable. Such was the strength of his cause, it being that of justice and truth, that he defied and laughed to scorn all attempts at refutation. They had decided the question as to the validity of the compact; the 1,200,000*l.* that had been given, was a gross and shameless corruption, and had in itself vitiated the whole proceeding. They had bought that which they had no right to purchase, for the purpose of acquiring that by corruption which the corrupted had no right to sell. He, therefore, defied any one to contend, that the Act of Union was a valid contract. And yet that was the only formal means publicly taken for the dissolution of Irish independence as established and solemnly guaranteed in 1782.

The compact in 1782 was made with the Irish nation, and he in his conscience believed, complacently witnessed by the Almighty. And yet it was to be dissolved, destroyed, by this base and iniquitous proceeding. He denied, that there was any contract. The trustees had been purchased; and if he was told, that being so they were still trustees, his reply was, that the first Irish Parliament assembled, had proved itself incorruptible, that it had resisted all bribery; and that, as long as the nation had the power of naming its trustees, they were faithful. The case was different with the next Parliament; it was not freely chosen by the people; it was not the representation of the people, and its acts were not the acts of the people. These, then, were the means by which the Act of Union had been obtained. Would any attempt be made to deny his facts? Such could not be the case. It was impossible. They were notorious beyond dispute; and in Ireland they were felt so strongly, that any attempt to throw discredit on that would excite the indignant laughter of the people. If the House doubted it, give him the Committee, and he would prove every item of it. But dreadful and disastrous as were the effects of the atrocious means resorted to in order to carry the Union, he deplored, perhaps, more than any man, that which had prevented those who had won the victories of 1782 from acting still in the same spirit, and resisting the robbery of their country even to the death. Those gallant and patriotic men had declared, that as they had fought rebels in rags, so they were ready to fight rebels in lace: but, unhappily, so deep-laid was the scheme for the prostration of Ireland, that they were forbidden from entering upon the contest. There was no chance of success; and so wily and deep were the snares, that no man of character and sense could resist openly the course which was equally opposed to morality, legality, and justice.—I have now (continued the hon. and learned Gentleman) gone through some of the topics upon which I have intended to speak—I have shown you the right of Ireland to an independent Legislature, and that that independence was established in 1782—I have shown you the effects of that independence—I have shown the incompetency of the Irish Parliament to pass the Union—I have shown the horrible means by which it was actually effected, and I come now to the terms upon which it was carried. I think I shall be able to show, that these terms were as improper as the means to carry the Union were monstrous—I come at once to the frightful terms of the Union; and my proposition is, that there never was anything more unjust than those terms; and among their other mischiefs, they have given to us the most useless calculations within the last week. This part of my case is quite consistent with the Union being valid in itself; and even though it be so consistent, it is no admission made by me, that I consider the compact valid.—The first thing I would remark as to the financial terms is, that there were no Commissioners appointed, nor any arrangement made by them, as to the proper terms—it was done as a bribed and corrupted Parliament would do it, hand over head, and no inquiry by Commissioners at all. If I now get the Committee of Inquiry I seek for, I shall be able to convince them, that the grossest injustice has been practised towards Ireland. The terms made at the Union were, that Ireland was to pay two-seventeenths, and England fifteen-seventeenths. Why was the compound fraction introduced? I am convinced, simply for this reason, in order to create confusion. A nation never enters into the calculation of fractions; that troublesome process is left to some industrious man to undergo. The fraction, I believe, was purposely introduced, in order that Ireland might be robbed with the greater facility. The progress of the Irish debt was this:—In 1797, it was 5,300,000*l.*; in 1798, 9,200,000*l.*; in 1799, 14,900,000*l.*; in 1800, 21,700,000*l.*; in 1801, 26,800,000*l.* You perceive that it swelled up to 26,000,000*l.* in 1801.—Now, see what was the debt of England? In 1799, it was 400,000,000*l.*, and the Irish debt then was 14,900,000*l.*, call it 15,000,000*l.* The question then to be discovered was, how much of the joint expenditure each country ought to be liable to? What was the basis of calculation? England had been going in debt for a century—her debt had increased in that time at least 372,000,000*l.*, and Ireland, during the same period, but 9,000,000*l.* If I were going into partnership with a man who owed 420,000*l.*, and I owed 9,000*l.*, I should be glad to know, if he ought to ask me to contribute equally to the future expenditure. If you turn the debt into capital, the man who had the most capital should have most of the profits.—Here are two countries, the one very little in debt, and the other a great deal, and the fair way would have been to take the proportions of their respective debts, and thus calculating what each ought to pay. Indeed, as Ireland was to lose the protection of her Parliament, it would have been but fair to have taken a portion of her debt. Ireland, however, was charged with two-seventeenths, when she ought, in fact, to have been charged with only one-seventeenth—the charge against her prospectively, ought to have been not more than one-sixteenth; but I should be satisfied with one-seventeenth. The Irish anti-union Lords insisted, that the proportion should be but one-eighteenth, and they calculated it thus:—

	Eng. Ire.
The balance of trade then appearing as	29 to 1
Current cash . .	12 to 1
Permanent Revenue .	13 to 1

Upon the debt of both it ought to be about one-sixteenth, and on revenue one-thirteenth. But there were no Commissioners then to investigate, and the one-seventeenth which Ireland ought to pay, you turned into two-seventeenths, and this without the least reason, but that your name was "Lion," and you had the power to do it.—But do I want to show, that this proposition was too great for Ireland to bear? There is demonstrative proof, that it was too great for Ireland. You say, that Ireland has prospered since the Union. You make my case the stronger by the assertion, for with all your boasted prosperity of Ireland, you had to consolidate the Exchequers, she not being able to pay her proportion—the two-seventeenths. Ought Ireland to have been charged more than she was able to pay? You bought our Parliament: you corrupted our Parliament: you got from Ireland the proportion you wished of her contributions: you put your hands into the pockets of her people; and, like felons and pickpockets, you did not withdraw your hand until you left your victim stripped of all her wealth, a bankrupt, and a beggar. It is manifest a fraud was contemplated against Ireland, and it has been successfully practised. Will the right hon. member for Cambridge say, that Ireland has been benefited by the Union? If he does, he but makes my argument the stronger; for, with all the benefits of the Union, he proves that its terms were enormously and extravagantly unjust—Ireland could not comply with them. Now, one of the provisions of the Act of Union, shows the fraud that was meditated. If the provisions had been, that when the English debt was brought down to the level of the Irish the taxes would have been equal upon both, it would have been fair; but that Ireland should be equally liable to English taxation when her debt was raised to the Union proportions was most unjust. By going in debt Ireland was to arrive at the happy consummation that her taxes were to be increased! This was literally and in terms the provision of the Union. I now call for an inquiry. They granted no inquiry in 1800. At least remedy this evil of the Union. What was the consequence of this provision? Ireland ran faster into debt than even England had. The English debt only travelled: the Irish galloped; and at last it overtook the English. This was the stipulation of the Union. I ask you, would any but an insane man have consented to it? The Irish people did not consent to it: it was proposed and adopted by plunderers and robbers. Would an Irish Parliament, if it had continued, have permitted Ireland to be thus despoiled? Would it have suffered her to be thus pressed down with a load of taxes? There were 110,000,000*l.* borrowed in the name of Ireland; and the result has been, that Ireland is a sharer in the common debt. She owed 26,000,000*l.* at the time of the Union: at this day she owes 800,000,000*l.*! No matter what may be our trade and commerce, no matter what the enterprise and the industry of the people may be, we must bear an equal load of taxes with you until we have paid off the 800,000,000*l.* If you did justice to Ireland you would come back to the one-sixteenth, or the one-eighteenth, or whatever the proportion of the Irish debt ought to be. I was exceedingly amused with what was certainly not a factious composition—the Returns moved for on Thursday in this House, and printed upon Friday, and which went to show I do not know how many millions which England had paid for Ireland. Is it by any remission of duties—is it by sparing Ireland, that it has been done? Will any one pretend to say that it has? No; you have taxed Ireland as much as you possibly could—you taxed Ireland to the amount of 5,000,000*l.*, and by your excessively high taxation there was a reduction, at last, in the revenue of 300,000*l.* You have demonstrated your injustice in your over-taxation of Ireland. Here I am most ready to meet the right hon. Gentleman foot to foot upon this point; not, certainly, as he once proposed to meet another hon. Gentleman, "breast to breast, and shoulder to shoulder." You, I say, have only paid more, because you have plundered Ireland too fast; and for your losses in that way I have not the least Christian charity. Now, in these calculations I have been struck with this, that if there had been no Union, England would have had to pay 16,000,000*l.* of separate taxation. If it happened to Ireland that she was put under water—not, as Sir Joseph Yorke said, for twenty-four hours, but for thirty-four years—you would all that time have been paying 16,000,000*l.* of separate taxation—that would make, in the thirty-four years, 544,000,000*l.* of separate taxation. In the late Returns, the amount of separate taxation claimed for England is 325,316,861*l.* So that, in fact, the Union has saved to England 219,000,000*l.* of separate taxation. Now, I must observe, that in June last I moved for Returns and I got them not till last week. The right hon. Gentleman, upon the other hand, moves for Returns upon Thursday, and he has them in the House on Friday! Why, Sir, I do say that there ought to be some little decency in these matters. This dexterity in financial matters is not at all creditable to those who practise them. Why should there be this anomaly? I gave notice of this Motion in the last Session. I renewed it at the commencement of this. Why were not the right hon. Gentleman's accounts produced? Why were these complicated accounts held back till now? The object is obvious—they are now brought forward to make the people of England think that they are bountiful benefactors to the people of Ireland. If there was any shame in the quarter in which they have originated, this attempt at deceit and delusion would not be made. The Returns I moved for are kept back from June, and they are at last sent to me, by way of a compliment, on Wednesday, the day before they were delivered to the House. Here, then, there was to be an occasion of triumph; but this would be the whole of the triumph. When the right hon. Gentleman makes use of his tables, which were so dexterously kept back till the last moment, they will be received by the House with loud cries of "hear, hear"—they will ring around the House, and they will be followed by the cheers of his supporters. I am, I suppose, to witness this scene! But, then, I tell the triumphant party you took care to keep back your documents until Friday—they were concocted and prepared for the occasion—you moved for them on Thursday—they are returned the next day, while I did not receive until Wednesday the documents for which I had applied in June last! And this is your candour! This is your fair play! And this, too, is another specimen of your national faith! I have had but a very short time for examining the tables of the right hon. Gentleman, and yet I have found those tables to be grossly fraudulent. In pages 23, 24, and 25, it is made to appear as if there had been a bonus given to Ireland of 39,000,000*l.* The way in which these tables are made up is this—the taxes paid by Ireland are placed in the first column, her revenue in the second, and the amount in the third column is given of what her taxes would have been had she paid equal taxes with England. Now, no man knows better than the right hon. Member himself, that adding to taxation does not increase consumption. Suppose you add 5,000,000*l.* to the taxation of Ireland, you would have no revenue from it. The account here is fraudulent—it is grossly fraudulent, because it supposes that the same consumption would continue in Ireland with increased taxation, although the contrary constantly occurs in practice; and in Ireland the very contrary has been demonstrated since the Union, where the right hon. member for Cambridge must know, that by the increased taxes in Ireland—by imposing them to the amount of 5,000,000*l.*, there was an actual lessening of the revenue. Supposing, now, the result were otherwise, still it would be decidedly favourable to my argument; for had Ireland continued to be taxed by her own Parliament, these 39,000,000*l.* with which we are now charged would be a sum saved to us by the Irish Parliament; for remember that it is English taxation that you have given to us. If I wanted an argument to show the benefit to Ireland of having a resident Legislature, have I not it here, to the extent of 39,000,000*l.*? Does not this simple fact alone speak trumpet-tongued to my countrymen? The features of the Union bargain with Ireland must strike any man as dishonest towards Ireland. Any rational bargain of finance made for Ireland in 1800, and by which there was to be a separate liability to joint charges with England would claim for Ireland the revenue arising from absentee rents spent in England. Should it not have been considered that Ireland produced these rents—that these rents were taken from her—that she gained no advantage by them, but England did; for they are expended here. Should not Ireland have been credited with this? In my opinion she ought, and the reverse is the fact. Every absentee rent is separated from the Treasury of Ireland—it is added to the revenue of England, and Ireland is charged with the more taxes, the more absentee rents that she produces! Assuredly these are things which prove that I am entitled to the inquiry that I now look for. Ought not, I ask, Ireland to get credit for the rents she produced, or ought England to have the credit of them? There is not a single part of the Union compact that does not show how fraudulent it was. It was as atrocious and criminal in its details as in its concoction—it was marked by malice, and in its enforcement stained with blood and tears. I do not know whether I should remark upon the tables that have been kept back till the last moment; but this fact I must call to the attention of the House, with respect to Treasury tables, that I find in Mr. Marshall's book, published by your authority, that there is in table No. 1, an excess over the Exchequer statement of Irish credits to the amount of 6,000,000*l.* and in the second table there are 44,000,000*l.* of discrepancies pointed out. When the right hon. member for Cambridge knows that such things may happen with Treasury Accounts, he was, perhaps, right in not moving for his until Thursday. Such matters have been concocted, and it is only useful to show you the necessity for fair play being given to us. As a specimen of the accounts before the House, I find that in these is a charge against Ireland of 1,500,000*l.* for what is called Union compensation—this, remember, is made a separate charge against Ireland. You got a bargain of my country, you have it, and yet you make my country pay for the bargain! This is the most cruel wrong—it is the most outrageous insult that ever yet, perhaps, was offered to any country—it is making her pay the wages of her own sin and death. In page 13 it is put down to the separate account of Ireland—surely the charge should be made on the other side. In the years 1802, 1803, 1804, and 1805, the joint expenditure of both countries was 133,000,000*l.* Two-seventeenths of this amount are 15,700,000*l.*; but it appears in the twenty-ninth page of the Finance Report of 1815 that Ireland was made to contribute in these years 17,300,000*l.*, being an overcharge of 1,600,000*l.* In the accounts which were given in to me on Wednesday last I find another mistake. In the table of articles charged with duties in England, and not in Ireland, is hops—the amount of this item is no less than 7,146,479*l.* 8*s.* 3*d.* Is this, I ask, right? Was there ever anything more untrue than this item? The hops pay duty in England. Do they pay no duty in Ireland? Does Ireland use an ounce of hops that has not paid duty? and that duty she has to pay here. You claim credit for yourselves for the duty paid by Ireland; and then you debit Ireland with that, as if she paid no duty at all. These Returns, however, claim for England the merit of being exceedingly bountiful, as the accounts stand between her and Ireland. Now, I happen to have by me the letter of a former Chancellor of the Exchequer upon this subject. The letter is dated the 10th of April, 1822: it was addressed to the deputies of Mary's parish in Dublin, and says—"I have been favoured with your letter of the 6th, and have at the same time received the newspaper containing your full and perspicuous statement of the comparative relief from taxation afforded to England and Ireland since the conclusion of the peace. Connected with the passage from the Report of the Finance Committee, as to the comparative advances in taxation during the war, the inference is, in my opinion, irresistible, that Ireland has an equitable claim on Parliament for remission of taxation to a much greater extent than she has experienced." The writer of this letter is Sir John Newport; and so far are the accounts that the right hon. Gentleman has produced from being corroborated by this letter, that they are directly contradicted by it. Sir John Newport distinctly intimates that Ireland was overtaxed during the war, and that she was entitled to a remission of taxation much greater than she has experienced. Let me now remark, that in the accounts that were sent me, and for which I had applied, they ought to have been summed up. The omission is curious, and its effect has been to impose a great deal of additional trouble upon me. The result is, that since the war, upwards of 47,000,000*l.* of taxes have been repealed in Great Britain, and scarcely a million and a-half in Ireland. Let me observe, too, that some articles being taxed in England, and not taxed in Ireland, has been ruinous to the Irish trader in those articles. Some of the separate taxes in England have been made to operate in favour of the English manufacturer, and against the Irish manufacturer. Look, for instance, at the tax upon soap and printed cottons. The Soap-tax in England was, through the instrumentality of the drawback as a bounty to the English manufacturer, fast verging to the annihilation of the Irish manufacturer. Looking, then, to this portion of the account, you find that separate taxation upon this article has, in its results, been a bonus to the English soap manufacturer to enter the Irish market, and monopolise nearly all its profits. Why, now, do I dwell upon this?—why do I detain the House by observing upon these particular items? Because I wish to show you how much of fraud there was in the basis of the financial arrangements of the Union. A complexity was introduced into them which has been taken advantage of by the most shameful robbery of Ireland. I have now gone through my fifth proposition, which I meant to sustain,—namely, that the financial terms of the Union were unjust. I have next to go through the legislative terms of the Union, which were equally unjust, and I promise the House that I will not be as diffuse upon this head, as I have felt it my duty to be upon others. The number of Representatives should necessarily have been, according to the calculation of Lord Castlereagh, much greater than they are. He gave to Ireland, after all imaginable reductions, 108 Members. He took, as the grounds for his calculation, population, exports, imports, and revenue. He gave for

Population	202	Members.
Exports	100	——
Imports	93	——
Revenue	39	——

And the result was, 108 members. Now, the first injustice done to Ireland was striking off eight Members to which we were entitled on a calculation exceedingly unfavourable to us; and we find that in a Reform of Parliament, this injustice, no more than any other, has not been remedied. Lord Castlereagh left in the hands of the collectors of the revenue a balance of half a million, which Foster showed would have added more than one-sixth to the revenue proportion—so that the thirty-nine put down for revenue should have been forty-five, and it would then have stood thus, even according to Lord Castlereagh's own showing, had the revenue been fairly considered—

Population	202
Exports	100
Imports	93
Revenue	45

The result would have been two additional Members, giving to Ireland on those terms 110 Members. It was admitted she was entitled to 108; and yet the barefaced fraud was perpetrated of lessening the number to 100. Newnham has calculated that Ireland should have had 165 Members; but without detaining the House longer, or exposing more fully the injustice done to Ireland in this respect, I ask what, in point of legislation, have you done for the people of Ireland? I can tell you what you have done against the people of Ireland. You have given to absentee landlords a power which they had not before the Union—a power which has tended much to increase agrarian disturbances—you have given to them a power of seizing the growing crops of the tenants, and by another law, you enable them to eject their unfortunate tenantry at the cost of a few shillings—you have given to them every facility, first to beggar, and then to expel, the wretched tenant. These are some of the advantages! which Ireland has obtained by having to legislate for her a Parliament not connected with her people. But how has Ireland been treated in point of constitutional liberty since the Union? She has had Insurrection Acts and Martial-law from 1800, to 1805, five years; the Insurrection Act from 1807 to 1810, three years; the Insurrection Act again from 1814 to 1818, four years; the Insurrection Act again from 1822 to 1825, three years; the first Algerine Act from 1825 to 1828, three years; the second Algerine Act from 1829 to 1830, one year; and the third Algerine Coercion Bill, one year. During twenty of the thirty-four years which have elapsed since the Union, the constitution has been suspended in Ireland! You have given to us Insurrection Acts and Martial-law — you have suspended the *Habeas Corpus* Act — you have fettered us with Algerine Acts, and gagged us with Coercion Bills; and these are the results of your Union! For twenty years, you have shut out from us the light of liberty; and this you call a beneficial Union to Ireland! I tell you it is a Union with which Ireland never can be satisfied—it is the Union between the master and the slave — between the oppressor and the oppressed—it cannot, and it ought not to continue. You have totally abolished the semblance of freedom—you have established a permanent police there, whom the hon. member for Dundee has justly termed a *gen darmérie*—you have placed deadly weapons in their hands, and you have taken from the people, that which the Bill of Rights gave them—the right to bear arms for their defence: you took this even from the Protestants, whom the Bill of Rights originally contemplated;—these are your doings, and you have left as the landmarks of your legislation, permanent police and Insurrection Acts. The Union, commenced in injustice, has been consistent in its career; it was based upon fraud, and it is still propped up by wrong to Ireland. I now come to the next topic—the injurious effects of the Union to Ireland, It increased absenteeism, the cause of great poverty amongst the poorer classes of the people, the cause of great destitution and misery to them; and when the Union was proposed, it was said that the people would be relieved from it. At the time of the Union, the general prosperity of the country was increasing — its riches were accumulating; and though absenteeism did exist, still it was not so extensive as now; and if the Irish Parliament had continued, it would long before now have been at an end. Let me remark here, that upon this subject the Unionists principally rest their case. They must admit, that Ireland was entitled to her independence in 1782—they cannot deny that she lost that independence by the most dishonest means—by bribery, by corruption, by a suspension of the Constitution, by martial law; but then they say Ireland has prospered since the Union. This is, indeed, the *post hoc propter hoc* argument—that which follows in point of date does not necessarily show cause and effect. England has enormously increased in the four-and-thirty years that have elapsed since the Union—Ireland, if there had been no Union, ought to have enormously increased also. I shall be able to show an absolute declension. This I say of the greater part of Ireland—if Belfast be an exception, God knows why it should be so; but looking to the north, the south, and the west of Ireland, the decay is manifest. I would say here, that if there be any increase of prosperity in Ireland attempted to be proved, it ought to be shown to be legitimately traceable to the Union, and that any declension must be shown to be owing to the Union. I will prove that declension to you, and thus dispose of the vaporing upon the advantages of the Union to Ireland. First, the evil effects must be admitted of absenteeism. No man will deny, that those evils existed before the Union; no man can deny that they have been enormously increased since. The man who pretends even to controvert that I will not condescend to argue with—he who denies it, loses all credit in Ireland. The next point I put forward is, the disadvantageous scale of taxation in Ireland since the Union. In England it has been increased twenty per cent; in Ireland there has been an increase of eighty per cent, and that upon the prime necessaries of life. The Finance Report to which I before alluded,—the report of the public expenditure for the year 1815, contains this passage, which corroborates a great many of my statements;—'For several years Ireland has 'advanced in permanent taxation more 'rapidly than Great Britain itself, not-'withstanding the immense exertions of 'the latter country, and including extra-'ordinary and war taxes: the permanent 'revenue of Great Britain having increased 'since the year 1781, in the proportion of 'sixteen-and-a-half to ten, and the re-'venue of Ireland in the proportion of 'twenty-three to ten.' See the difference between sixteen-and-a-half to ten, and twenty-three to ten. The whole increase of the Irish revenue in twenty years has been in the monstrous proportion of forty-six-and-a-half to ten. Mark what the value of the Union is to Ireland! See how the taxation has increased! Is there any doubt of the fact? Let me then call your attention to the observations of Lord Lansdown, who, in making a motion on the state of Ireland in 1822, said, "that the revenues of Ireland in the year 1807, amounted to 4,378,241*l.*; between that year and 1815, additional taxes had been laid on to the estimated amount of 3 376,000*l.* From these were to be deducted 400,000*l.* remitted at the end of last war. Now, the whole revenue of Ireland in 1821, was 3,844,889*l.*, so that the effect of adding 3,000,000*l.* of taxes had been to produce less by several hundred thousands than that of 1807."* Here is a proof of increased taxation giving a diminished revenue. I must now call your attention to another document; and recollect I bring it forward to meet the case which would show that Ireland has prospered by the Union. It is a part of the speech of the noble Lord, the Chancellor of the Exchequer, delivered in May, 1824. The noble Lord made a motion in May, 1824, for the appointment of a Select Committee on the state of Ireland, on which occasion the noble Lord is reported—as it appears to me accurately—to have used these words:—'He had, on a former occasion, stated it 'to be his opinion, that the repeal of the 'taxes in Ireland would tend mainly to-'wards reviving the manufactures of that 'country, and bringing it into a prosper-'ous condition. It was objected to him 'on that occasion, that he sought, by 'giving large and exclusive advantages to 'Ireland, to raise her up into a manu-'facturing country, which should make 'her the rival of Scotland and England. 'While he disclaimed any such intention, 'he feared Ireland was far indeed from 'any such state of prosperity. She was 'as little to be feared as she was to be 'envied.'† Sir John Newport, in bringing forward a similar Motion to that of the noble Lord in 1822, said,—'Up to the 'period of the Union, as I have before 'observed, Ireland was lightly taxed. 'Since that period, taxation, and especi-'ally local taxation, has been infinitely 'increased; and the result has been, not 'increase, but manifest and signal di-'minution of revenue. I have in every 'succeeding year opposed the increase of 'internal local taxation, and again and 'again stated to the House, that the 'finance ministers would reap from the 'system "a harvest of discontent but not 'of revenue." The House has now be-'fore it positive proofs that my predic-'tions were unhappily too well-founded: 'you have reaped a plentiful harvest, not 'of ways and means, but of debt and of 'discontent; and what is still more, far 'more, to be lamented, you have broken 'the spirit of the gentry of Ireland—de-'prived of the influence which they formerly 'possessed (and rightfully possessed by the 'power of doing good). Too many from the 'pride natural to persons of their rank in 'society, could not brook to alter their 'mode of living amongst those with whom 'they were accustomed to dwell in afflu-'ence; they transported their families to 'some English watering-place, and, con-'signed to obscurity in lodgings, ceased 'to occupy their family demesnes, in-'creasing all the national evils under 'which they themselves suffered. No-'thing, I repeat, could be devised more 'injurious to Ireland, than the excess and 'rapidity with which taxation had ad-'vanced since the Union, and which has 'diminished, not increased the revenue. 'Since 1808, the estimates of the finance 'ministers held out a nominal increase to 'the extent of four millions; and yet, so 'complete has been the delusion, that the 'amount of actual revenue is now less 'than in 1808. As a system of taxation 'it has entirely failed, and it has been 'shown more forcibly here than in any 'country, that the iron grasp of poverty 'has paralysed the efforts of the tax-'gatherer, and placed a limit to the om-'nipotence of Parliament. The taxes 'increased—the revenue diminished—the 'only augmentation observable, and that 'in a fearful degree, was, the increase 'of debt and discontent.'* The right hon. gentleman, too, Mr. Poulett Thomson—I beg his pardon, I should have said the Vice-President of the Board of Trade—said, on the 26th of March, 1830: "A case is established in the instance of Ireland, which is written in characters too legible not to serve as a guide to future financiers—one which ought to bring shame upon the memory of its authors. The revenue of Ireland, in the year 1807, amounted to

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* Hansard (new series) vii. 1049.

† Hansard (new series) xi; p. 659.

* Hansard (new series) vi. 1471.

4,378,000*l.* Between that year and the conclusion of the war, taxes were successively imposed, which, according to the calculations of Chancellors of the Exchequer, were to produce 3,400,000*l.*, or to augment the revenue to the extent of 7,700,000*l.* What was the result? Why, that in the year 1821, when that amount, less about 400,000*l.* for taxes afterwards repealed, ought to have been paid into the Exchequer, the whole revenue of Ireland amounted only to 3,844,000*l.*, being 533,000*l.* less than in 1807; previous to one-farthing of these additional taxes having been imposed. Here is an example to prove, that an increase of taxation does not tend to produce a corresponding increase of revenue, but, on the contrary, an actual diminution."* I admit, (continued the hon. and learned Member, who had been interrupted by some confusion in the House as he was quoting these passages.) the tediousness of this—I am endeavouring to make out a case, and even though it may be inconvenient, I wish Gentlemen to listen—I am now showing that at the period when Lord Althorp's Motion for inquiring into the state of Ireland was brought forward, it was admitted that Ireland was not prosperous. We have here a counsel for prosperity, and I wish to give him the opinion of one of his own witnesses, who, in answer to Lord Castlereagh's declaration of Irish prosperity, thus replied to him:—"The noble Lord said, that it behoved Parliament to watch over the rising greatness of Ireland, and to endeavour to ascertain the cause of the evils which had so long oppressed her. As to the words 'rising greatness,' he (Sir John Newport) did not know how they applied, unless in the sarcastic sense of that remark which was made to Philip 3rd, who had overrun a great part of the Low Countries, that they resembled a ditch, out of which the more that was taken, the greater it grew." Now, the last time I heard this gentleman's name mentioned, it was with great respect by many. Is, I ask, his authority now to be upset by the multiplication table, and his opinions refuted by a page from Cocker's Arithmetic? The right hon. Gentleman (Mr. Poulett Thomson) has told you, that there was a constant struggle to increase taxation. This, remember, is one of the beneficial results of the Union. In the document which the right hon. Gentleman (Mr. Spring Rice) has given me, I find that the relief of taxation to England has been 41,085,202*l.*, and to Ireland but 1,584,211*l.*; that is, about one-twenty-fifth of the amount of taxes repealed or remitted in Great Britain. There is another point in which the Union is felt in Ireland, that is—in expenditure. Savings have been boasted of; but what savings are they? Savings of money spent in Ireland. Look, for instance, to one item, and see how it must be felt in Dublin. To the establishment of the Lord Lieutenant was formerly assigned 68,000*l.*; it is now reduced to 16,000*l.* This is a reduction of 52,000*l.*, that is, 1,000*l.* a-week, spent in Dublin, less than there used to be. I like economy, but dislike that Ireland should feel exclusively the effects of it. We have heard it boasted, that the Irish Estimates have been reduced 104,000*l.* This, remember, increases our remittances to the British Treasury, and it is, in fact, so much of relief to Great Britain. I now come to those articles which must show the increase of consumption before the Union, and what it has been since. The account of the consumption of the following articles is taken from the Report of the Committee on Irish Poor, of which the right hon. Gentleman (Mr. Spring Rice) was Chairman, in 1830, page 112:—From 1785 to the Union, the increase of Tea in Ireland was 84 per cent: in England, 45 per cent. From 1786 to the Union, the increase of Tobacco in Ireland was 100 per cent: in England, 64 per cent. From 1787 to the Union, the increase of Wine in Ireland was 74 per cent: in England, 22 per cent. From 1785 to the Union, the increase of Sugar in Ireland was 57 per cent: in England, 53 per cent. From 1784 to the Union, the increase of Coffee in Ireland was 600 per cent: in England, 75 per cent. Now, these are the effects on the consumption of Ireland before the period of the Union. Compare them with the increase of consumption in England and Ireland subsequent to the time that Ireland lost its independence. In Tea, the increase in England since 1800, has been 25 per cent: in Ireland, but 24. In Coffee, the increase in England, has been 1,800 per cent: in Ireland, 400. In Sugar, there has been an increase in England of 26 per cent: in Ireland, 16. In Tobacco, (the poor man's luxury), there has been an increase in England of 27 per cent: in Ireland, however, there has been a decrease of 37 per cent. In Wine, the increase in England is 24 per cent: in Ireland, the decrease is 45 per cent. Looking, then, at the two periods, we find the consumption of the poor man's luxury, and of the rich man's luxury, diminishing in Ireland in the period that has occurred since the Union. These results, remember, are not taken from any tables made by me, but are furnished to me by the Report drawn up by the right hon. Gentleman opposite. In the tables published by Mr. Halliday, there were, I find, imported into Ireland, of Green Tea, in 1802, 152,674 lbs.; 1823, 38,168 lbs.: decrease, 114,506 lbs. Of Port Wine, 1802, 4,487 tuns; 1823, 1,014 tuns: decrease 3,473 tuns. Of French Wines, 1802, 454 tuns; 1823, 101 tuns: decrease, 333 tuns. In all these articles there has been a decrease of about three-fourths; and it is to be observed, that, while the consumption of Green Tea thus fell off, there was only an increase of one-eighth on Black Teas. The same tables give the comparative consumption of some articles—Raw Silk and Bark, for instance. The value of Raw Silk consumed was, in Ireland, in 1800, 78,451*l.*; 1823, 45,331*l.*: decrease, 33,120*l.* In England, it was, in 1800, 703,009*l.*; in 1823, 1,067,265*l.*: increase, 364,256*l.* Thus showing, that in the one country there had been a decrease, and in the other an increase. But Silk was a luxury of the rich, Bark was in some measure a necessary for the poor. It was necessary for the manufacture of native leather, and in that the contrast is still more remarkable. The quantity of Bark consumed was, in Ireland, in 1800, 174,401 cwts.; 1823, 115,441 cwts.: decrease, 58,960 cwts. In England, in 1800, 153,825 cwts.; in 1823, 933,488 cwts.: increase, 779,663 cwts. Now, let it be observed, that the Irish at the first date—that of independence—exceeded England by 20,576 cwts. In the second period—that of the Union—England exceeded Ireland by 818,047 cwts., the account standing thus—England, 933,488 cwts.; Ireland, 115,441 cwts.: difference, 818,047 cwts. I have now made known these facts to you to show you that the Union has not conferred blessings upon Ireland, as some would pretend it has. I do not know whether the right hon. Member opposite has read the letter of Doctor MacHale describing the state of Connaught. He must, however, recollect the Report of Doctor White on the state of the poor of Dublin. That gentleman states, that amongst 1716 individuals, he found but fifty blankets. This demonstrates the poverty that exists amongst the wretched people of Ireland. I would ask the right hon. Gentleman (Mr. Spring Rice), whether he read the evidence which was given last year, before the Committee of Agriculture, and which exhibits the distress of the people. The first evidence I shall quote, is that given by the hon. member for Kildare, Mr. More O'Ferrall, who illustrated the deteriorated condition of the people, by the diminished consumption of meat. "There has (says he) been a most remarkable falling off in the demand for meat in Dublin. Thirty years ago, Dublin consumed, with a less population, as large a quantity of meat as at present, and I would say the same for all the large towns." Mr. Murray, a Scotch land-agent and a surveyor, who has been visiting Ireland for the last eleven years, say:—"The north is not now as well cultivated as when I first knew it—the south is nearly stationary. In Cork and Kerry there has been some improvement." Mr. Clendenning showed, from a table of the sheep and horned cattle sold and unsold at Ballinasloe, for upwards of forty years, that there was pretty much the same quantity of cattle disposed of in 1790 (when there were none exported), as in 1832. During the last forty years, the quantities of black cattle exported to England have astonishingly increased; but that shews that while the productive powers of Ireland have increased, its powers of consumption have diminished. But there is a passage in the speech of the right hon. Gentleman, the President of the Board of Control, made in the year 1822, which, up to that period, shews what was the state of the people of Ireland:—'I believe, '(said that right hon. Gentleman) that the 'Irish are the most wretched peasantry in 'Europe, except, perhaps, the Polish. 'Their whole scale of existence is, in all 'respects, the lowest possible. Their garb 'and their habitations are of the meanest 'and commonest kind. I need not say, 'that their food, which is principally the 'potatoe, is obtained with remarkable facility, and in ordinary years, is sufficiently abundant, but the crops of which 'are peculiarly liable to failure; the con-

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* Hansard (new series) xxiii. p. 877.

'sequence of their living upon this lowest kind of food is, that in the event of a failure of the crops, they have nothing to fall back upon, but are left completely without resource. The least calamity, the slightest visitation of Providence, reduces them at once to absolute misery.'* That, Sir, was the condition of Ireland twenty-two years after it had received the blessings of the Union—a Union which gave to her what a late right hon. Gentleman, once called "the periodical returns of famine in Ireland,"—his word was "periodical." In answer to all this, I shall be told, the trade of Ireland has increased, and that her prosperity has increased accordingly. In the Report of the Committee of 1830, drawn up by the right hon. Secretary of the Treasury, I read this passage:—"The foreign trade of Ireland having continued progressive, and the general tonnage being greatly increased, it is not to be doubted but that the British imports (of which no Returns have been kept since 1825), have augmented at least in the same ratio." Now, I deny that the foreign trade has increased. I assert the directly opposite fact, and I do this, on the authority of the Returns thrown upon the Table on Thursday. In the 8th page we have these figures:—

	Imports.		Exports.
1830 —	£1,573,545	—	£839,014
1832 —	1,491,036	—	635,909
1834 —	1,386,045	—	410,715

This is what is called the "improvement" of the foreign trade, and on this "improvement" it is assumed that the trade with Great Britain has been progressive. But tonnage and shipping are referred to as a test. Let me show the House what reliance is to be placed on such a criterion. I have a letter from Dublin, in which the system of making out schedules of exports in that port is thus described:—'Any person conversant with the official forms in use at the Custom-house, on entering coasting vessels, either inwards or outwards, must be aware, that the list of goods specified in the transcire or ship's clearance, by no means affords a correct account of the respective cargoes, especially of steam-vessels; the despatch which they require, and the practice of their receiving goods on board nearly to the very moment of sailing, prevents anything like a correct return being given. The brokers, or Custom House clerks of the several Steam Companies, therefore, never even think of ascertaining the cargo, but usually write down in the Custom House papers any quantity or description of goods that comes into their heads, and which they think will have the appearance of being a proper cargo. The practice of clearing out the vessels of the City of Dublin Steam Company, which is the most extensive Shipping Company in Ireland, strongly illustrates the point. At some periods of the year, this Company sail from three to six vessels daily to Liverpool; and the clerk who clears them out at the Custom House writes down a fictitious cargo in the Long-room, not even considering it necessary to go down to the vessel to inquire what her cargo is; and to sum up the imperfection of the ship's clearance, the transcire ends with the sweeping item of "sundry British goods." Such are the documents from which the Government officials are now gleaning information, for the purpose, no doubt, of exhibiting at the approaching discussion of the Repeal Question in Parliament, a splendid view of the prosperity of Ireland, as indicated by the extent of her imports and exports. The son of the functionary through whom the inquiry on this subject is now making at this port being a broker, and transacting the Custom House business of the Liverpool Steam Company, his father can scarcely plead ignorance of the fact, that the only Return of our imports and exports which he will be enabled to give, must convey a most erroneous impression, from the very falsity of the documents on which it is founded.' There is a sample of the accuracy of official Returns of Irish exports and imports for you. It betrays the grossest ignorance in the right hon. Gentleman to attach any value to such tests. Tonnage means the capacity of vessels to hold commodities, whether they be coals, cattle, or stones, or the most precious merchandize. A ship is, in the general acceptation, any vessel that sails, whether it be great or small. Thus there may be a great array of ships and tonnage with a comparatively insignificant trade. Let us compare Liverpool and Newcastle in this regard:—

	Ships.		Tonnage.		Customs' Duties.
Newcastle ...	1,048	...	215,784	...	320,893
Liverpool	806	...	158,596	...	3,594,344

Now, this shows that, according to one of these ridiculous tables by which the right hon. Gentleman is to extinguish Repeal and crush Ireland, Newcastle is a far more important place than Liverpool, though the Customs' duties of the *minor* place are more than eleven times the amount of the other. Away with such miserable and impudent delusions! Now, what, I ask, has been the effect of the Union upon the population of Ireland?—that population of whom the right hon. Gentleman I just now quoted, the President of the Board of Control, said this—' When you reflect on their ' many admirable qualities,—their genius ' and intelligence,—their peculiarly social ' and affectionate character,—their disposi' tion to give confidence,—their steady de' votion to any cause which they have once ' heartily espoused,—their patience under ' privations,—their constitutional hospitali' ty,—their remarkable love of country,— ' their attachment to all the charities of ' life and kindred;—what must you think ' of that policy by which all these excellent ' qualities have been perverted,—by which ' all these gifts of nature and of Providence ' have been rendered the fruitful source of ' misery and of bloodshed?' Policy, indeed! Your policy is now scattering them over the face of the earth. The Union is banishing them from their native land. The number of emigrants who landed at one port, Quebec, from England, Scotland, and Ireland, in the years 1829, 1830, 1831, and 1832, was—Scotch, 10,317; English, 43,136; Irish, 90,256. There is your prosperity for you! Dispose of that, if you please, with a column of figures. There is the result of your prosperity in three years. It has banished thousands of agricultural labourers from a country the most fertile and productive upon the face of the earth. These have left you, because they were starving at home, by being misgoverned from abroad. What, then, has the Union done for Ireland? Has it given to Ireland tranquillity? No; you must admit that it has not. I see a smile upon the face of a right hon. Gentleman opposite (Mr. Stanley). I dare say he will attribute the want of tranquillity to me. I treat the assertion with ineffable contempt. For twenty years since the Union there has been that want of tranquillity. It existed before the question of Repeal was agitated. You have not given to us tranquillity; and you have suspended the Constitution. You say that the Union has given to Ireland prosperity. If I were arguing the question in Ireland, I should merely say, "*circumspice.*" The very condition of the country, and the wretchedness of the people, would be a sufficient refutation to your assertion. Men are working in Ireland for *3d.* a-day: this is prosperity! this is the "prosperity" which the Union has given to them! This is the consequence of Ireland being deprived of a resident parliament! I have already shown to you what were the consequences of our having an independent legislature. But it is not in Ireland alone that the baneful consequences of the Union are felt: it extends to the labourers and artisans of this country, who are interfered with by the Irish who are obliged to come here. It increases your poor-rates, by sending a greater number upon the parish. It interferes with wages; for the Irish poor enter into competition with your artisans. Such are some of the effects of the Union! I am glad to inform the House, that I have not much more to say upon this subject. I have only one remaining topic upon which I shall address you. What, I ask, will be the consequence of retarding the repeal of the Union? I ask that question of Englishmen. It is a matter of prophesy—it cannot be a certainty. The men of Ireland know the nature of national independence; and I should esteem but little the man who thought another country should be more independent than his own. The people of Ireland recollect the manner and the means by which the Union was effected—they feel its sad consequences, and they are desirous to put an end to them. Repeal cannot endanger the connexion—continuing the Union may; and although, while I live, I shall oppose separation, yet still it is my opinion, that continuing the legislative Union must endanger the connexion. I can tell you what would be the advantages to my country, if the Irish parliament were restored. I can see no advantage to follow from separation —I know there must be a great deal in continuing the connexion. I am most favourable to the connexion, although I have been accused of seeking for separation. The Union can alone endanger that connexion; and this is not alone my opinion, but that of others of far more weight than I possess. In the debate on the Union, Mr. Grey, the present Prime Minister, said, —' I trust that his Majesty's Ministers will ' not, by any undue means, seek to triumph ' over all opposition. If the Union shall be ' effected by such means, I am confident ' that that, more than any thing else, will ' endanger the separation of the two coun-

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* Hansard (new series) vi. p. 1504.

‘tries.’ I have a still stronger passage to read to the House. It is this:—‘Sir, I warn the Ministers of this country against persevering in their present system. Let them not proceed to offer violence to the settled principles, or to shake the settled loyalty of the country. Let them not persist in the wicked and desperate doctrine which places British connexion in contradiction to Irish freedom. I revere them both—it has been the habit of my life to do so. For the present constitution I am ready to make any sacrifice—I have proved it. For British connexion I am ready to lay down my life—my actions have proved it. Why have I done so? Because I consider that connexion essential to the freedom of Ireland. Do not, therefore, tear asunder to oppose to each other those principles which are identified in the minds of loyal Irishmen. For me, I do not hesitate to declare, that if the madness of the revolutionist should tell me, “you must sacrifice British connexion,” I would adhere to that connexion in preference to the independence of my country; but I have as little hesitation in saying, that if the wanton ambition of a minister should assault the freedom of Ireland, and compel me to the alternative, I would fling the connexion to the winds, and I would clasp the independence of my country to my heart.’ You have made the individual who delivered those sentiments Attorney-General; you have promoted him to be a Lord Chancellor—and these, mark, are his opinions. Now, I would not, like him, “fling British connexion to the winds;” I desire to retain it. I am sure that separation will not happen in my time; but I am equally sure that the connexion cannot continue if you maintain the Union on its present basis. What, then, do I propose?—that there should be that friendly connexion between the two countries which existed before the Union. I propose it not as a resolution; but what I look for is, that friendly connexion by which both countries would be able to protect each other. As Ireland exported corn to England, so could England export her manufactures to Ireland—both countries would afford mutual advantage to the other. I propose that you should restore to Ireland her parliament. We have our viceroy and our Irish peers—we only want a House of Commons, which you could place upon the same basis as your reformed parliament. This is the claim of Ireland upon you—this is what I ask from you. I have shown you, that Ireland is entitled to an independent legislature—I have shown you the effects of that independence—I have shown you the incompetency of the Irish parliament to vote itself away—I have shown you, that the Union was accomplished by crimes the most unparalleled—I have shown you, that the terms of the Union were unjust to Ireland—I have shown you, that the Union has been ruinous to us, and that some of its consequences have reverted to yourselves—I have shown you, that the legislative terms of the Union were unjust—I have shown you, that the Union has deprived my country of the protection of the law, and the benefits of the constitution, and that it has despoiled the people of the means of existence—I have shown you, that the English labourers and artizans have suffered equally from the poverty of Ireland—I have shown you the probable consequences of continuing the Union—I have shown, or rather I have suggested, with what facility the connexion could be placed on the basis of right and justice. You are unable to govern Ireland, even to your own satisfaction; for two-thirds of the time that you have presided over her destinies you have ruled her not by the powers of the law, but by undisguised despotism—you have not made Ireland prosperous, and her misery has been of no advantage to you. In the name, then, of Ireland, I call upon you to do my country justice. I call upon you to restore her national independence. The hon. and learned Member concluded by moving, “That a Select Committee be appointed to inquire and report on the means by which the dissolution of the Parliament of Ireland was effected; on the effects of that measure upon Ireland; and on the probable consequences of continuing the legislative Union between both countries.”

The Debate was adjourned.

HOUSE OF COMMONS,

Wednesday, April 23, 1834.

Minutes.] Bills. Read a third time:—Clerk of the Pipe (Scotland); Hemp and Flax Bounties.

Petitions presented. By Sir M. W. Ridley, from Newcastle-upon-Tyne, against the General Register Bill.—By Mr. Rice Trevor, from several Places, in favour of the Lord's Day Observance Bill; and from one Place, in favour of the Tithe Commutation Bill.—By Mr. Wilbraham, from Clavering, for Relief to the Agricultural Interest.—By Mr. Henry Grattan, from Ardare, for the Abolition of Tithes; and the Repeal of the Union.—By Mr. Serjeant Perrin, from five Places, for the Repeal of the Union; and by Mr. Littleton, Lord Althorp, and Lord Marcus Hill, from several Places,—against the same.—By Colonel Leith Hay, from Elgin, and other Places, against any Alteration in the present System of Church Patronage in Scotland.—By Mr. CHARLES WOOD, Mr. LABOUCHERE, and Mr. DIVETT, from several Places,—for the Better Observance of the Sabbath.—By Messrs. TYRELL, and LABOUCHERE, from several Dissenting Congregations, for Relief to the Dissenters.—By Mr. GILLON, from Forfar, for an Alteration in the System of Church Patronage in Scotland.—By Mr. T. WALLACE, from several Places, against Tithes.—By Mr. HILL, from the Tea Dealers of Kingston-upon-Hull, for the Repeal of the Tea-Duties Act.—By Mr. HALFORD, from Derby, and other Places, for Protection to the Established Church.—By Captain WINNINGTON, from Upton-upon-Severn, for Relieving Merchant Seamen from the Payment of Sixpence to Greenwich Hospital.—By Sir WILLIAM FOLKES, and Messrs. ROPER, CALVERT, WILKS, and HILL, from a Number of Dissenting Congregations,—for Relief to the Dissenters.—By Mr. JOHN MAXWELL, from Shotts, for being allowed to Elect their own Trustees and Managers of Roads; and from the Hand-loom Weavers of Glasgow, and other Places, for a Board of Trade, and for Relief.—By Major BEAUCLERK, and Mr. WYNNE ELLIS, from several Places,—for a Remission of the Sentence on the Dorchester Labourers.—By Major BEAUCLERK, from St. Margaret's, Westminster, for Inquiry into the State of the Sewers there.—By Mr. CUMMING BRUCE, from the Schoolmasters of Nairn, for a larger Stipend; and from several Places, for the Connexion between Church and State.—By Sir CHARLES BURRELL, from several Places, for the Renewal of the Labourers' Employment Act.—By Mr. O'BRIEN, from Clare, against the Apothecaries Act.—By Mr. SANFORD, from Taunton, for Remission of Taxation; and from several Places, against the General Register Bill.—By Sir W. FOLKES, Captain WINNINGTON, and Messrs. SANFORD, HALFORD, and CHILDERS, from a Number of Places,—in favour of the Lord's Day Observance Bill.

SALE OF BEER.] Sir *Charles Burrell* presented a Petition, signed by twenty-nine Magistrates of the county of Sussex, complaining of the evils produced by the operation of the Act for the Sale of Beer, and praying for its total repeal. He viewed the question as one of the greatest importance to the agricultural interest of the country, and expressed his regret that no Minister of the Crown was present to state the views of Government on the subject. The Beer-shops had proved a fruitful source of demoralization in the country, encouraging drunkenness, gambling, and all kinds of vice. They had put the county of Sussex to an expense of at least 8,000*l.* for additional places of confinement to criminals. Altogether the injurious effects of the Bill were very conspicuous and alarming, and he trusted an effectual remedy would be afforded by repealing the measure.

The Marquess of *Chandos* supported the prayer of the petition, and took the opportunity of asking the noble Lord (the Under Secretary of State) whether it was the intention of Government to take any steps with reference to the Sale of Beer Act—a measure, in his opinion, which would be productive of ruin to the country?

Viscount *Howick,* in reply, begged to assure the noble Marquess that the loud and numerous complaints which had been made from different parts of the country had not failed to occupy the serious attention of the Government. His noble friend (Lord Melbourne) had not hitherto been able to determine on any effective measure of relief for the evils complained of. A Bill had been introduced by a noble Lord into the other House of Parliament which, in the opinion of many hon. Gentlemen would produce the desired effect. A notice of motion had also been given on the subject by the hon. member for Kent. It would be the anxious wish of the Government to support, if possible, any measures which might be suggested, that were likely to remedy the injurious effects complained of, but in making that observation he must not disguise the opinion he entertained, and which opinion was also entertained by many other hon. Members, that the evils attributed to the operation of the Beer Act did not arise so much from the recent alteration which had taken place in the law with respect to the sale of beer, as from a variety of other causes. He believed it would be in vain to attempt to meet the evils by direct legislation. Those evils, in his opinion, had been produced by the mal-administration of the Poor-laws, particularly in the southern counties of England, rather than the operation of the Law for the Sale of Beer; and he thought the measure which had been introduced a few days ago by his noble friend the Chancellor of the Exchequer, for the amendment of the Poor-laws, was the remedy to which they must look forward. He could not help expressing a doubt whether the evils which had been attributed to the Beer Bill had not been greatly exaggerated. Drunkenness and profligacy had certainly much increased in the south of England during the last four years, but when he looked into the evidence which had been given before the Committee, and all the facts which had been brought under the notice of the public, it appeared to him difficult to understand in what manner the permission of the sale of beer could have been productive of such pernicious effects. The noble Lord referred to several passages in the evidence collected by the Poor-law Commissioners to show, that the mal-administration of the Poor-laws was the cause of the increase of crime complained of, and concluded by expressing a hope, that in the Motion of the hon. member for Kent, and in the Bill of the noble Lord, when it should be sent down from the other House of Parliament, would be found suggestions which would counteract the evils supposed to be produced by the working of the law relative to Beer.

Mr. *Estcourt* considered the subject was one of too much importance to be allowed to pass without making a few observations on it. He could not agree with the noble Lord, that the evils which existed were in consequence of the bad administration of the Poor-laws; the Poor-laws did not originate the mischiefs, for they had greatly augmented since the passing of the Beer-Act. By the operation of that law, the labouring classes were led into bad associations, and many, who had been respectable, honest, and provident, were now dissolute and improvident. Having been many years a Magistrate, and seen much of the distress of the poor, he could state that he had repeated applications for advice by females, who stated that their husbands, who were formerly industrious, careful, and in the habit of bringing their wages home, were now in the habit of spending their money, and what wages they got, at the Beer-shops. He could assure the House, that the pictures of wretchedness and profligacy which were continually exhibited before the Magistrates were extreme, and were daily increasing. It had been stated, that one cause for passing the Beer-act was, that it would enable the labouring classes to get good and wholesome beverage at a cheap rate, without resorting to a public-house, where they would get intoxicating liquors; but it was a fact, that such was the monopoly by the brewers (the beer-shop-keepers selling only by Commission, and as servants) that for a line of twenty, thirty, and even forty miles in extent, the beer-shops belonged to the brewers; and the consequence was, that the liquor that was sold was not genuine, and was a very unwholesome article. It could not be compared to the liquor sold by the regularly licensed victuallers, who were a respectable body of men, and were greatly injured by the beer-shops. He had it from authority, that there never was a time when such a vast number in that trade had become bankrupts as since the passing of the Beer-law. As to the difficulties which stood in in the way, he apprehended there were none that might not be easily removed.

Colonel *Williams* said, that the beer-shops had become essentially tippling-houses; they afforded no entertainment to travellers; they sold nothing but beer, which the labourer might drink as long as he pleased, but could get nothing to eat. The Beer-act was the *coup de grace* which the last Administration had given this country. It was hardly possible to conceive the mischief which that law had done—mischief, which he was afraid they could never undo.

Mr. *Wilks* said, he had the greatest possible respect for those who objected to the measure in question, but, at the same time, he was afraid that much of that opposition arose from an anxiety on the part of the great brewers to get back a monopoly of beer, and he felt sure, that if there were one thing which the Magistracy ought to avoid more than another, it was the possession of those suspicious privileges which before gave rise to many unpleasant remarks which would be renewed if no means were adopted to prevent the monopoly of the brewers. He had learned from various parts of the country, that the majority of persons keeping beer-shops brewed their own beer, and that the consumption of malt had increased considerably. They might talk of the demoralization of the beer-shops, but when they walked about the streets of London, and saw on every hand erections like palaces, which were entirely supported in a lavish and gaudy expenditure on gin, at the expense of the happiness and morals of the people, where the evils of pauperism were perpetually augmenting, what were the beer-shops in comparison with these giant haunts of vice? The Government derived a revenue of many millions yearly from the consumption of ardent spirits. If, however, there were evils in the administration of the Beer-law, let them be corrected.

Mr. *John Stanley* regretted, that they must not expect any assistance from the Government on this subject. As there were many difficulties in the way of any alteration of this law, he, for one, would be willing to join any Member in proposing that it be entirely repealed.

Major *Beauclerk* thought that the only remedy upon the subject was, giving an opportunity to the poor man to brew his own beer, and that would be by repealing the Malt-duty.

Mr. *Rotch* could not allow the hon.

member for Boston to state, that the Magistrates of the county were anxious to have all the control they possibly could over the beer-shops. For himself he would say, that he hoped the day was not far distant when all control by the Magistrates, not only over the beer-shops, but the public-houses, would be taken out of their hands. It was his wish to promote the consumption of beer; he did not care how many beer-houses existed, but he most strongly objected to the beer being allowed to be consumed on the premises. He thought it the duty of Government to make an alteration in the Bill in that respect, and he hoped, if Ministers did not take the matter up, some hon. Member would.

Mr. *Blackney* was glad that his Majesty's Government were slow and cautious in making any alteration in this law. He considered the House most unprofitably employed on the present discussion, and trusted that the good sense of Members would immediately put an end to it.

Mr. *Hill* could not agree with hon. Members who spoke against the Bill, as it appeared to him that there was nothing worse in legislation than legislating backward and forward upon a subject that bore so materially and vitally upon the habits of the people. It was not the sale of the Beer Act only; there were many causes that had produced the present state of the poor, among them the taking away of common rights, enclosing lands, stopping foot paths, and a variety of measures interfering with them in every way, so that they had no other resource for amusement, and dissipating idle thoughts, than tippling.

Mr. *Goring* said, that the proprietors of beer-houses were competing, one with the other, who should allow the greatest enormity of intemperance, and the greatest irregularity, in his house.

Colonel *Evans* was glad that the Government did not intend to interfere with the provisions of this Bill, but rather to wait to see the effects of the Poor-laws Amendment Bill, now in progress through Parliament. As to the Poor-laws, he believed that they had been worse administered in the county from which the petition came than any other part of England, with one exception.

Lord *Howick* was anxious not to be understood as saying more than he really did. He had not stated, that his Majesty's Government intended resisting any alterations in the present Beer Laws. What he said was, that his noble friend (Lord Melbourne) was not prepared himself to bring forward at present any measure for checking the abuses complained of, but that he was ready to give his support to any proper alteration that would not interfere with the principle of the Bill, namely, that of open competition.

The Petition was laid on the Table.

REPEAL OF THE UNION—ADJOURNED DEBATE.] Mr. *Spring Rice* moved the Order of the Day for resuming the adjourned debate on the Motion respecting the Union with Ireland, and then proceeded to address the House as follows:*

Though fully sensible that, upon no other occasion could any hon. Member have stood more in need of the kindness and indulgence of the House than I do at present, yet that conviction shall not induce me to trespass on their time, by any lengthened apology or prefatory observations for the purpose of bespeaking that indulgence. Sir, I feel deeply the responsibility which I have assumed in taking on myself the duty of replying to the speech of the learned Member; at the same time, it is a responsibility which, great as it is, I court rather than avoid; it is a responsibility connected with the performance of duty; and even though I should personally fail, I may receive some consolation and reward, from a consciousness that I have not shrunk from the performance of a duty equally arduous and important. The question which is now before us cannot—because it ought not—be met by a simple negative. We are bound to do more;—but before proceeding further, I have to express my regret—I wish it to be distinctly understood that I do not make any complaint—but I do express my regret, that the learned Member who made this Motion is not now in his place. It has been intimated to me, that his absence is occasioned by indisposition, and therefore I do not complain of that absence; but I refer to it for the purpose of stating at the outset, that whilst there is no question which I should have thought it necessary to agitate, and no observation which I should have made in his presence, which I shall not feel it my duty to agitate or to make in his absence—so also the learned Member and his friends may rest assured, that I shall not utter one single observation in his absence, which I should not have been perfectly ready to make in his presence. It has only been from the necessity of making this statement, that I have noticed either the absence or the presence of that learned Member; because whatever may be his weight, whatever may be his authority—the weight and the authority of the individuals who take part in this discussion, on the one side or the other, sink to nothing when compared with the magnitude and importance of the question itself, and the national interests which that question embraces.

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* Reprinted from the corrected Edition, sold by Ridgway, with this motto:

———"May they cling
In their embracement, as to grow together!
Which doing, what four throned ones can
outweigh
Such a compounded one?"
SHAKSPEARE.

Sir, I have said, or was about to say, that this question could not be met by a mere negative; that course could not satisfy me; I trust it would not satisfy the House. I feel assured, it ought not to satisfy the country. No, Sir—if the question propounded within these walls is one which has for its object to separate and distract the empire, the occasion is one on which it behoves those who are interested in the well-being and stability of things, to do more than negative the proposition for a Committee. The question is one in which we are called upon, not only to negative the learned Member's Motion, but to affirm and to record an opinion of our own. It seems to have been the original object of the learned Member himself to have brought this question to a direct issue; the first notice which he gave raised distinctly the question and the expediency of Repeal. If he thought it politic to change the day originally fixed, he was still perfectly free, in postponing the debate, to have adhered to his engagement, and to have discussed the real question, on its own intrinsic merits. He did not choose to do so; but, for the purpose of diverting the attention of the House from the substantive merits of that question, he has substituted another proposition for that to which he was pledged, and which he had solemnly announced to the House. Sir, I am therefore entitled to say, that from the discussion of the real question, he has thought it either his duty, or his policy, to shrink. But, Sir, he has kindly afforded us a commentary on his motives for substituting the one Motion for the other; since, in a written document, which he has given to the world, he has stated, that "there are many, very many men who would vote for a Committee of Inquiry, who would not vote for a Resolution or a Bill; and thus I have the usual parliamentary right, on such occasions to calculate on an increase of votes in support of my Motion." I trust, that even in this Parliament, which contains necessarily many Gentlemen, who may not have been long or deeply versed in the science which is called the science of Parliamentary Tactics—I trust that there is no one individual weak or blind enough to allow himself to be seduced by so vulgar and so worn-out a deception. It is intended, by putting the Motion in this present shape, that the division should produce one effect here and another effect elsewhere. It is in reference to the consequences in Ireland of votes given to-night, that I take the liberty of warning those hon. Members who are more immediately connected with the representation of Great Britain, what must be the effect of their support of this Motion — I say more immediately connected with Great Britain, for here I take on myself to deny, that there can be any difference in the position, privileges, or duties of British and of Irish Members. You, hon. Gentlemen, who represent English counties, cities, and boroughs, are as much charged with the maintenance of Irish interests, and the protection of Irish rights, as if you had Irish constituencies at your backs; and Irish Members, on the other hand, know full well, and act on that knowledge, that there is no question of English policy on which they have not a full, free, and unrestrained right of deliberation. But in alluding to British Members, and thus appearing to separate the classes, I only mean to forewarn Gentlemen, who are not quite aware of the probable effects of this Motion on the other side of the water, what will be the inference drawn from a vote in favour of this Committee, however they may guard themselves by protesting against the general principle of Repeal. It will be stated in Ireland, that such a person, Member for a British county—though God forbid any such should be found—or Member for such a city or town—though here again I feel confident that such will not be found —voted for the Committee, and therefore is a decided repealer. On the other hand, it will be urged in this House, as it has been already urged, that Gentlemen, in voting for a Committee, merely affirm the necessity of inquiry. "I ask," says the hon. and learned Mover, "for nothing but inquiry. You stand pledged so far only—nay more, if your opinions are adverse to mine, you ought the rather to vote for inquiry, because an acquiescence in my Motion will enable you to confute me, and prove me to be in the wrong."

I have often heard this most fallacious argument used, and as often as I have heard it, I have felt convinced of its sophistry. As a consequence, it imposes on Parliament the duty of inquiring not only into every subject on which the Legislature can found remedial or practical measures, but also into every question on which it cannot give any remedy, and on which no practical measure can be founded. But I do not rest upon this general reasoning. The learned Member has himself supplied me with a most instructive commentary in the form of his own Motion.

An hon. Gentleman, not now a Member of this House, but who is, I believe, a petitioner at its Bar, on the 24th of January, when standing as a candidate for Dungarvan, addressed the constituency of that town in the following words:—'The 'question of the Repeal of the Union 'occupies, at present, much of the public 'mind of Ireland, and, in my opinion, 'the Representatives of the people would 'but ill discharge their duty if they did 'not take that subject into their serious 'and early consideration; and, with this 'view, I shall certainly vote for a Com'mittee of the House of Commons, to in'quire fully, fairly, and impartially, into 'the merits of this important question.' Here, then, was a gentleman standing before his constituents, who unreservedly declares his readiness and determination to support a Motion which, I presume, is tantamount to the Motion in the Speaker's hands; unless, indeed, the inquiry now sought for is not to be full, not to be fair, and not to be impartial. Now, what will the House think was the commentary of the learned member for Dublin on that proposition—which I must again pray the House to bear in mind, was identical with that which he has now made? I entreat the House to attend closely to his commentary, and I hope the people of Ireland may remember and attend to it also.

The learned Member, in observing on Mr. Barron's address, which I have quoted, characterizes "that address as being as gross an attempt at delusion as ever was made;" and he adds, addressing the electors of Dungarvan, "that it really is an insult to their understanding to suppose that they can be taken in by so flimsy and futile a deception. He then closes, by stating, "The fact is, that as a politician, Mr. Barron was always despicable." What are the conclusions to be drawn from this commentary? I deduce from them, on the authority of the learned Member, that the substitution of a Motion for a Committee of Inquiry, for a Motion on the actual question of Repeal, is so gross a delusion, that it must be considered as an insult to our understandings, and the character which the learned Member gives of the individual who would propose such a Motion was, that he was despicable as a politician. How, then, can we be called on to discuss that very question, so designated and so stigmatized, and proposed too, as it is, by the very same individual whose commentary upon it has been so conclusive, and whose condemnation has been so unqualified. If I, like some of the hon. Gentlemen opposite, were an advocate for Repeal, I should disdain the proposition now made—I should cast this Motion far from me as the grossest of all delusions, and as an insult to my understanding, which I could neither forgive nor tolerate. But let us examine the precise terms of the present Motion. It will perhaps be said, that the inquiry now sought for differs from the full, fair, and impartial inquiry which was recommended in the address of Mr. Barron. It does, indeed, differ from that proposition in some respects; but the principle of both is the same. The proposition now before us is for a Select Committee "To inquire and report on the means by which the dissolution of the Parliament of Ireland was effected." I shall be prepared to speak on that point hereafter; it is only brought in by the learned Member as a diversion, for the question which we are really called upon to decide is, not the means by which the Union was carried, but whether it is expedient, with a view to the general interests of the empire at large, and of Ireland in particular, to repeal that Union. All the flourishes with which the Motion has been introduced, touching the events of past times, are but so much dust, which the learned Member has endeavoured to throw in our eyes to blind us, and to prevent our contemplating the real subject before us. That question is not the history of past times, but the real interest of the people of Ireland, and of the empire at large in the year 1834.

The next part of the hon. and learned Gentleman's Motion recommends an inquiry "into the effects of the Union upon the labourers in husbandry, and operatives in manufactures in England." Now, Sir, if ever there was a silly attempt at political angling, if ever it was attempted to put a wretched bait upon a crooked pin for the purpose of fishing for minnows, the present is one. Nothing could equal in ridiculous folly the mode of catching votes sought for in the wording of this Motion. It is intended as an attempt to induce the hon. member for Oldham, or some other Member from the manufacturing districts, to connect the subject of the immigration of Irish labourers into this country with the discussion of the Repeal of the Union. It is a miserable and wretched attempt at imposture—for I can call it by no other name. It is an attempt to delude the minds and understandings of those who represent the manufacturing districts of this country; they will not allow themselves to be blinded by so stupid an argument, more particularly when they know, as I shall show hereafter, that one of the first consequences of the Repeal of the Union is stated by the learned Member himself to be the future enactment of protecting duties, in order to keep the manufactures of England out of the Irish market.

There is one point which I am bound to notice, in reference to which I particularly regret the absence of the learned Member, because it is one personal to myself, and I therefore regret being compelled to give my reply to his accusation except in his presence; but, as I have already stated, I cannot on that account either add to, or withhold any portion of my argument. I am called upon to relieve myself from the imputation which the learned Member has cast upon me, of having been guilty of disingenuousness towards him or towards the House in my mode of proceeding on this subject. Had I been guilty of any such artifice or deception, I should not now have ventured to raise my voice on this question—I should have been ashamed of doing so. But what is his accusation, and what has been my conduct? He complains, that Papers which he called for in the last Session of Parliament were not produced till a certain period in this; whereas, Papers which I called for were produced, and were immediately printed. The learned Member called for his Papers at a period in the last Session at which they could not be prepared or produced; the order expired with the last Session, and was necessarily renewed in the present; and, contemporaneously with that renewal, I gave directions to have certain accounts prepared which were necessary as explanatory of his, and were necessary also in support of the argument which I intended to maintain upon this question. The learned Member's Papers were the first completed, and were, consequently, the first laid on the Table; and, in point of fact, there was no necessity that any Papers, except those called for by the House, should have been presented. I might have presented my Papers, or I might have withheld them, unless specially ordered; but, lest hon. Members should complain that they had not been allowed access to the documents upon which I founded my arguments, I moved for the Papers which I had ordered to be prepared—I moved for them, and they are now in your hands, and before the public. I laid them on the Table, not because I, myself, wanted the information which they afforded, for I possessed that information already; but I did so because, if there were any fallacy in my arguments, or any misrepresentation in my statements, other Gentlemen might have the means of correcting or of commenting upon them. In so acting, was I right or wrong? I might have withheld the Papers; I gave them not only for the exclusive benefit of those who supported my views, but also for the advantage of those opposed to me. Yet this is imputed to me as a proof of what the learned Member is pleased to term my ingenuity and dexterity—terms implying that means had been resorted to by me in order to obtain some unfair advantage. I say, that there could not have been any improper ingenuity or dexterity in thus giving to the House information which I might have kept exclusively for myself; I assert fearlessly, that I acted justly and candidly; and after this explanation, I trust I shall stand fully acquitted by the verdict of this House, and of the country.

I much fear that I shall have, on this occasion, to trespass at very considerable length on the attention of the House; I fear that I shall be compelled to weary them with details. But, in the consideration of a question like the present, everything depends on evidence, and evidence must be a matter of detail. I was delighted and rejoiced at the attention given to the speech of the hon. and learned Member during the whole of last night; let it go forth to the public—let it be understood in Ireland—that this Imperial Parliament—as I call it—not a Saxon or a foreign Parliament, as it is sometimes called by others—let it be remembered, that this House listened with unwearying patience and respectful attention, during a period of time almost without example, to the statements made by the learned Member. I hope, therefore, that this question is likely to be discussed, as it ought to be discussed, with calmness, and with an absence of all party feeling, and of all personal hostility; these, my hopes and anticipation, are fully justified by what has already occurred. This is the most conclusive and satisfactory answer to the imputation of British indifference to Irish interests; this, the most decisive confutation of the charges brought against this House. It was said, last night, that this question was an unpalatable one, and that this House contained but an unwilling auditory. In one respect it may be so; I hope that it is so, as far as the general impression of the merits of the question. If the proposition be considered fatal to the national interests, it could not but be unpalatable, and the auditory must consequently be both reluctant and unwilling. But, however unpalatable the question, and unwilling the auditory, there never has been any question of British policy—of policy more exclusively British—which has been more attentively considered in this House, or one which was listened to with more earnestness and with more patience.

I shall now address myself to the Amendment, which it will be my duty to move. As I have already stated, it appears to me, that the present is an occasion, in which a direct negative of the Motion made would not meet the exigency in which we are placed. I think we are called on to express, in the most solemn manner, our fixed determination to maintain the Legislative Union between Great Britain and Ireland. I think, further, that we are called upon to state the reason of that determination, and to justify it, not only in reference to the interests of the empire at large, but more peculiarly in reference to the interests of Ireland and its inhabitants. I think, in the next place, that we are called upon to state—in direct contradiction to what has been asserted, not only elsewhere, but also in this House last night—that the Imperial Parliament has given its best attention to Irish affairs, and that, through its agency, remedial measures have been passed, of an importance, in comparison of which, the anti-Union remedial legislation is but trivial indeed; and therefore, in reference to the past, that Ireland may rest and rely with confidence on the unwearying attention of Parliament. I think that it is right to couple this Resolution with an expression of our intention not to commence a new course of policy in respect to Ireland, but to persevere in that course which we have hitherto pursued, giving our best attention to Irish affairs, and promoting, by all our efforts, the best interests of Ireland. Such will be the import of the Amendment which I shall move. I shall also propose what may seem an unusual step, though one not without precedent, and one which is perfectly justified by the considerations connected with this question—I shall propose that an Address may be communicated to the other House of Parliament for its concurrence—that thus both Houses of Parliament may lay at the foot of the Throne their deliberate opinion on the subject of the Legislative Union, and that the sentiments of the Sovereign may be graciously expressed to us in approval of our Address. Let not hon. Gentlemen think, that the course proposed exceeds the necessity of the case; let them not think, because so far as their opinions are concerned, that the discussion of this question here is futile, and its agitation in Ireland is fruitless; let them not think, because they do not apprehend that any impression can be raised in reasonable minds, that the Repeal of the Union can ever be carried; let them not think, that, therefore, the course I propose is inexpedient. I assert that, if any single individual proposes to this House the dismemberment of the British empire, and proposes thus to deprive the State of its force and its dignity, it behoves the Legislature, as a matter of duty and of necessity, to express its most decided opinion, recorded in the most authoritative manner, on so unjustifiable and so fatal a proposal. When the question is not only raised here, but is used for the purpose of inflammatory agitation in another part of the empire, we should abandon all our most sacred duties, if we did not take the most decided, the most distinct, the most unequivocal, and the most solemn, means of conveying to the world our opinion upon such a proposition. The course which I propose has a precedent, taken from that bright period of Irish history to which reference has been already so frequently made. In the year 1782, when an interference was attempted, justly considered to be adverse to the constitutional independence of the Legislature, the Parliament of Ireland, on that occasion—the House of Commons, so much praised and vaunted—agreed to an Address, asserting its just rights; that Address was communicated to the Lords, acquiesced in there, and was taken up to the Throne. That course is precisely the same which I shall now propose for your adoption.

Before I enter into my own more peculiar argument, I may be allowed to say a few words in reply to some of the more prominent topics adverted to by the learned Member who opened this debate. On such topics, I shall have occasion for little beyond a few words; because, with all due respect for him, I cannot but conceive that many of the topics on which he dilated bore with very inconsiderable weight on the subject of our discussion this night. I shall observe on them, but shall observe on them with forbearance; I shall, assuredly, omit any references to ancient times, —not going back into past history, nor reverting to the reigns of Henry 3rd, Edward 1st, Richard, or Elizabeth—what bearing can these references have on the practical question? If any man doubt, that, in periods of the barbarous history, both of England and of Ireland, as well as in similar periods in the history of all parts of the world—if any man doubts, that, in periods of civil war, great atrocities will, inevitably, occur—if any man doubts that, under such circumstances, much destruction of life and of property must necessarily ensue—I say, that, if any man doubts all this, he may have been greatly instructed by the observations made, and the authorities quoted. But what does all this prove? Suppose, that there came up to us a petition, presented by my hon. friend, the member for Kent, praying for the restoration of the independent privileges of that ancient kingdom—would it be very reasonable to enter into the principles or conduct of Hengist and of Horsa? And yet it would be to the full as reasonable as it is for the hon. Gentleman to adopt the course which he has followed.

If any one in this House were to review the events which have occurred from the time of the Roman conquest to the present day, and thence to raise inferences as to the course of policy which ought to be pursued in the year 1834, there is not a gentleman in this House or out of it, who would not reject the authority of such an individual as a practical politician, however learned he might be as an antiquary, or however diligent as an examiner of records. If the course of proceeding followed on the present occasion is defensible, the learned Member's evidence is incomplete; the first step he ought to have taken, in point of form, should have been, to produce the record of the divorce of the wife of the King of Breffni, before her marriage with M'Murrogh, the King of Leinster. The learned Member might have expatiated upon the immorality and forgetfulness of conjugal duties which led to the first British invasion. But, however ridiculous this would justly appear, such is, in fact, the character of the reasoning brought forward by the learned Member; and he must have felt that it was preposterous to use it. In the midst of the useless details with which he favoured us, let us observe what are the facts on which he relies. I am no lawyer—I have not the honour to belong to the learned profession—but I believe it to be a rule in law, that if a party reads one part of a book, he makes the whole of that book evidence as well against, as for him. I think that such is the law; to me the rule seems in accordance with common sense. But what, I ask, resulted from all the parade of erudition made by the learned Member? This, —that, in the year 1246, in the time of Henry 3rd, and, in 1278, in the time of Edward 1st, that, in the days of Richard, of Queen Elizabeth, and at other periods, there existed, on the part of the Irish people, the deepest and most earnest anxiety to be admitted to the privileges of English subjects. The very facts on which he relies prove the existence of that strong feeling; and yet, on these facts, he ventures to raise an argument for the Repeal of the Union. We defend the Union on the very ground relied on in those ancient petitions; we contend for the Union, upon the principle that it does admit my countrymen to the privileges of British subjects, and that it secures for them the full protection of the British Constitution. But, Sir, this reference to ancient times was not without its object. There was an apparent design in these ancient references; or, if there was not a design, the learned Member cannot doubt or deny, that there was a tendency in his argument to lead to certain results, from a consideration of which tendency I am entitled to infer the intentions of the speaker. We were all shocked by his descriptions of those scenes of horror and devastation which are chronicled in the works of Spencer and Moryson; all those revolting descriptions will appear in another place, all those descriptions will be circulated in another country; and that which might have escaped hon. Gentlemen, whose minds were not as attentive as mine has necessarily been, will elsewhere be dwelt upon and magnified. The learned Member has ventured to connect those horrors with the present times by one single link—not a link of gold, or one hanging from heaven—but made of the worst elements, for the most fatal purposes, and forged in the worst fires below; this slight connexion, so fine as almost to escape notice here, will be dwelt upon, and will, elsewhere, lead to inferences of a most formidable kind. What was the insinuation of the learned Member? He stated last night that,—'Queen Elizabeth and her councillors were 'aware of the benefit to Ireland which 'would arise from the operation of the just 'laws of the country. But the British sub'jects in Ireland were apprehensive, that 'their application would make Ireland too 'strong, while it was their policy to keep 'her as weak as possible; a course of 'policy followed with as unrelenting a per'severance, and as much alive in the pre'sent day, as in the reign of Elizabeth.'

The obvious inference from this sentence is, to suggest that the Legislature and the statesmen of the present day are disposed to pursue the very course at which human nature shrinks back in disgust, even when adopted in barbarous times. By this most ingenious device, all the inferences drawn from those evil days will be extended to the present times. What truth is there in this most mischievous suggestion? Let me call on the learned Member to inform us whose policy is it now to weaken Ireland? Who is it, that apprehends that Ireland should become too strong? Does he mean the Legislature, or does he refer to the two great contending parties in this House? Why, Sir, I take on myself to assert, that, of late, there has been on the part of men of all parties an earnest concurrence to promote the interests of Ireland. I allude more particularly to all matters that could improve her domestic economy, and that could ameliorate the condition of her people. In considering these questions, we have not been diverted from our object by any party views or interests. This House has not withheld from Irish affairs its best attention, or its most liberal encouragement. My strongest proof, and my most powerful witness, is my hon. and economical friend, the member for Middlesex. Even he has been known to relent in favour of Ireland. If we have not been called upon to "draw iron tears down Pluto's cheek," we have accomplished a greater miracle still—we have extracted from our Pluto liberal votes in supply, whenever they could be justly applied for, or wisely granted. I mention these facts, not because any inference is likely to be raised here, or among reasonable minds, that there now exists any disposition to oppress or injure Ireland; but because I know too well that the connexion raised by the learned Member between the present times and those of Elizabeth, will be relied on elsewhere, however disregarded here. Why this needless recital of all these cruelties and atrocities? Why are we told of children feeding on their mothers' flesh? Why of famished wretches feeding upon carrion from the grave? Why of all those deeds of blood, which we cannot think of without horror? These will be repeated in Ireland, for the purpose of raising indignation and disgust against fellow-subjects and contemporaries. We ought to look back to history for better things, rather than to ransack it for crimes and misery; we ought to study it for the nobler purpose of moral instruction. We ought to seek in history the lessons of charity and brotherly love, and not the excitement of bad passions. History should lead to something more useful than the destruction of the connexion of two kingdoms, necessary as they are to each other's existence and prosperity. History should teach us to devote our exertions to purposes very different from those of undermining the strength and resources of an united empire. In recompense for the kindness with which hon. Gentlemen have listened to me, I may be permitted to relieve them for a few moments from the effort of attending to the observations of an individual so humble as myself. The extract which I am about to read is from the writings of Mr. Burke, and it contains a censure the most eloquent upon the mode of reasoning pursued in the historical argument of the learned member for Dublin. Mr. Burke observes of such reasoners—'They revive the bitter memory of every 'dissension, which has torn to pieces their 'miserable country for ages. After what 'has passed in 1782, one would not think 'that decorum, to say nothing of policy, 'would permit them to call up by magic 'charms, the grounds, reasons, and princi'ples of those terrible, confiscatory, and 'exterminating periods; they would not 'set men upon calling from the quiet 'sleep of death any Samuel, to ask him, 'by what act of arbitrary monarchs—by 'what inquisition of corrupted tribunals 'and tortured jurors—by what fictitious 'tenures invented to dispossess whole un'offending tribes and their chieftains! '—they would not conjure up the ghosts 'from the ruins of castles and churches, 'to tell why the estates of the old Irish 'nobility and gentry had been confiscated; '— they would not wantonly call on 'those phantoms. If, however, you could 'find out these pedigrees of guilt, I do 'not think the difference would be essen'tial. What lesson does the iniquity of 'prevalent factions read to us? It ought 'to lesson us into an abhorrence of the 'abuse of our own power in our own day, 'when we hate its excesses so much in 'other persons, and in other times. To 'that school true statesmen ought to be 'satisfied to leave mankind. They ought 'not to call from the dead all discussions 'and litigations which formerly inflamed 'the furious factions which had torn their 'country to pieces; they ought not to rake 'into the hideous and abominable things 'there.'

I entreat the learned Member to weigh well the opinion so powerfully stated by the most philosophical of modern Statesmen, and I entreat him to study history for the purposes of instruction, and not for the purposes of extracting from the past, topics of inflammation and of excitement. But even had the learned Member proved his historical case, he would not thereby have advanced one hair's-breadth towards the conclusion for which he contends. I must in passing, take the liberty to observe, that of all men, the hon. Gentleman seems to have been the least impartial. In his historical review, he has taken on himself to overlook one of the most peculiar periods of Irish history—I mean the reigns of James the 1st, and Charles the 1st. Though I can readily account for this omission, I shall not notice the transactions of 1641; because, if I did so, I might appear to be guilty of the very fault which I have reprobated in the hon. Member. I cannot avoid noticing the inconsistency and unfairness of the learned Member, in referring to the crimes that have been committed in Ireland; and yet, in leaving out of his chronicle, as by particular desire, the whole of the reign of Charles the 1st. Has he not heard of 1641? In closing this portion of my reply, I again venture to impress on the minds of hon. Members, that it appears even in those remote periods, that there existed the greatest anxiety on the part of the Irish people to obtain for themselves and for their country, the free and undisputed privileges of Englishmen.

I now approach another part of the learned Member's argument, and one which he has laboured to prove, with as ill an effect as that produced by the earlier portion of his discourse. He endeavoured to prove, that England, in its separate capacity, and as England, had not any just right of domination over Ireland. Was there ever such a waste of time and of argument? Why, who contends that England has or ever had, a right of domination over Ireland, either derived from conquest or concession? England exercised such a right, it is true, and strongly contended in its defence; but the claim was founded on usurpation alone. The fact of this usurpation need not be proved by historical deduction, but by a reference to the legislative declaration of England herself. Does the learned Member mean to suggest, that England claims such a right at present? or does she exercise any such right? Who governs Ireland?—who legislates for Ireland? Why, the Parliament of the United Kingdom; not the Parliament of England,—a Parliament in which, I am sure, that gentlemen on the other side of the House, will not deny, that Ireland is fairly and ably represented. I have taken the liberty of stating, that the former claims of England are negatived, not only by the reason of the case which connects the legislative power with the right of representation, but also by the act of the British Parliament itself. What do we learn on this subject from the words of the Statute-Book? By the Act of 1783, ch. 28, it is declared, "for the purpose of removing all doubts on the subject, that the right claimed by the people of Ireland to be bound only by laws enacted by his Majesty and the Parliament of the kingdom, is thereby established and ascertained for ever." Such is the declaration of the British Parliament; so conclusive is the admission, that the British Parliament, as such, had no right to legislate for Ireland. With this fact before us, was it not a mere waste of time and an accumulation of argumentative rubbish to devote half an hour to proving that which was not and could not be controverted?

I now approach a part of the speech of the learned Member in which it is my fortune entirely to concur with him. The learned Member has stated, in most glowing terms, his admiration of the great and glorious revolution which took place in the year 1782. No man can feel more unbounded admiration than I do for the conduct of the illustrious individuals engaged in that revolution. The great men who accomplished that bloodless revolution contended for an object strictly legal and legitimate. They argued, irresistibly, that as Ireland was not represented in the British Parliament, she was not bound by the laws of that Legislature. I admire these individuals as much as the learned Member does; but, much as I admire them for the glorious objects they accomplished, I admire them almost as much for their prudence in abstaining from doing more, and for the temperance and forbearance which they displayed on the most trying occasions. I admire them for what they did, and what they wisely left undone.

Let us examine the principles on which Lord Charlemont acted in conjunction with Mr. Grattan, Mr. Forbes, Mr. Brownlow, and the other great men of those days. Yet even when these generous patriots were at the head of the popular party of Ireland, there was much danger to be apprehended,—a danger happily averted by their virtue and moderation. Honourable Members will recollect, that almost cotemporaneously with the assertion of Irish independence, there arose an armed confederacy, which could not but have been most alarming under any other circumstances; but this formidable engine was so governed and worked, as not to produce those evils which otherwise would have been inevitable. The House will perceive, that I allude to the armed confederation of the Volunteers of Ireland. After Irish independence had been achieved, the volunteer association continued its existence; and, under the influence of Lord Bristol and Mr. Flood, for a moment it assumed an attitude to over-awe the Parliament of Ireland; it was then that an event took place, almost without example in the history of nations. At the Exchange in Dublin, there sat assembled the delegation from the Irish Volunteers, armed and in uniform, while at the same time the Irish Parliament was sitting in College Green, and deliberating upon the exigencies and affairs of the country. It was then proposed, that Mr. Flood, and his volunteer associates, should proceed to the House of Commons in their military dress, —that he should make his motion for a reform in Parliament,—and that the volunteer delegates should continue their sitting until the motion was disposed of. A more bold and dangerous attempt to over-awe the proceedings of a legislative body never yet took place. By the prudence and good sense of those very men whom the learned Member has so justly praised, the danger was averted; and, in the midst of this excitement, the Volunteers listened to counsels of patriotism and moderation. Their legitimate object having been accomplished, the meeting dispersed, at the suggestion of the great and good Lord Charlemont. Among the patriots of 1782, there was not to be found one individual who would condescend to continue excitement, or to keep up agitation for the sake of attaining any indirect or selfish object. They were indeed men against whom the breath of calumny has never been able to raise an imputation; men whose reputation forms a part of the capital stock of the historical wealth of Ireland. I take the liberty of reading an account of these transactions, from the memoirs of an eye-witness, the late Mr. Edgeworth:—'The appearance of Mr. 'Flood, and of the delegates by whom he 'was accompanied, in their volunteer uni'forms, in the Irish House of Commons, 'excited an extraordinary sensation. Those 'who were present, and who have given an 'account of the scene that ensued, de'scribe it as violent and tumultuous in the 'extreme. On both sides the passions 'were worked up to a dangerous height. 'The debate lasted all night. "The tem'pest, for towards morning debate there 'was none, at last ceased." The question 'was put, and Mr. Flood's motion for Re'form in Parliament was negatived by a 'very large majority. The House of Com'mons then entered into resolutions de'claratory of their fixed determination to 'maintain their just rights and privileges 'against any encroachments whatever; 'adding, that it was at that time indis'pensably necessary to make such a de'claration. Meantime an armed conven'tion continued sitting the whole night, 'waiting for the return of their delegates 'from the House of Commons, and impa'tient to learn the fate of Mr. Flood's 'motion. One step more, and irrepara'ble, fatal imprudence might have been 'committed. Lord Charlemont, the pre'sident of the convention, felt the danger, 'and it required all the influence of his 'character, all the assistance of the friends 'of moderation, to prevail upon the assem'bly to dissolve, without waiting longer to 'hear the report from their delegates in 'the House of Commons. The conven'tion had, in fact, nothing more to do, or 'nothing that they could attempt without 'peril; but it was difficult to persuade the 'assembly to dissolve the meeting, and to 'return quietly to their respective coun'ties and homes. This point, however, 'was fortunately accomplished, and early 'in the morning the meeting terminated.'

This statement is confirmed by Mr. Hardy, Lord Charlemont's biographer. After describing the progress of the question of reform, he adds:—'Parliament 'now became the theatre of popular exer'tion. Whoever was present in the House 'of Commons on the night of the 29th of 'November, 1783, cannot easily forget 'what passed there. I do not use any 'disproportionate language, when I say 'that the scene was most terrific. Seve'ral of the minority, and all the delegates 'who had come from the convention were 'in uniforms, and bore the aspect of stern 'hostility.' My object in reading these extracts is to illustrate the state of things existing under the improved Constitution of 1782. It is admitted on the other side, that, in 1782, the constitution of Ireland had been fixed on proper principles——

Mr. *Feargus O'Connor:* No! No!

Mr. *Spring Rice:* The hon. Gentleman says "No;" but at least he cannot deny, that the independence of Ireland, for which Grattan contended, had then been successfully asserted. If the hon. Gentleman denies this fact, he must seek more than the Repeal of the Union. Under the Constitution of 1782, the only bond between the two countries was the bond of the Crown, the two countries being governed under the authority of their independent legislatures. But how did this boasted experiment succeed, and what happened under this most excellent system? First, there was the affair of Portugal, which placed the two countries in the following strange and extraordinary position. War might have been declared against Portugal by the king of Ireland, while peace might have been maintained between Portugal and the king of England. The Irish House of Commons had taken proceedings to force a rupture with Portugal, at a period when there existed no grounds of collision between England and that country. The next question on which the weakness of the Constitution of 1782 was demonstrated, was the affair of the Regency. This the learned Member felt it expedient to pass over very lightly. What then occurred? The Parliament of Ireland determined upon one course in regard to the Regency, while the people of England determined upon another. The hon. Gentleman cannot deny the facts, and they cannot negative my inference. If the Parliament of Ireland were justified in selecting a Regent upon different principles from those adopted by the British Legislature, they might on the same grounds have been equally justified in selecting different persons for the office of Regent. The people of Ireland might thus have elected the Prince of Wales, and the people of England might have chosen the Duke of York. We should have had two Regents in the two kingdoms acting possibly on very different principles, and invested with different degrees of authority; and I should like to know by what process of reasoning Gentlemen can be induced to believe, or can prove, either by political or abstract arguments, that if two regents had thus been named, it could have been possible to maintain the connexion between the countries. I shall only add further, that the working of the Constitution of 1782 does not appear to have been so very successful, as to induce me to wish, or to justify others in a desire, to revert to those times. Let the House recollect the point to which I lately adverted, the meeting of an armed confederation out of doors, for the purpose of controlling the Acts of the Irish Parliament. In 1782, the Volunteers were guided and directed by Lord Charlemont, Grattan, and Brownlow. If the precedent of 1782 were adopted, might not these armed associations be renewed; but by whom would they now be guided and controlled? Is it not just possible, that, supposing a Parliament were now sitting in College Green, there might be some endeavours occasionally made, to overawe their deliberations and control their decisions. Might it not be again suggested, as it had been done in another place to the people of Kildare, that it was their duty to take up their short sticks, to walk up to Dublin, and instruct their representatives in the duty they owed to Ireland? Is it not possible that the clamour of the mob might, in such a case, produce consequences far more formidable than the transactions of 1782? Honourable Gentlemen can scarcely deny this; but, perhaps, they may suggest, that we now have one great and sufficient security. They may reply—"True, there was danger in 1782, we admit it; but what was the cause of that danger? The Volunteers were, in 1782, led by wild enthusiasts—by men devoid of all constitutional principles—by men without character—by political adventurers and selfish agitators, like Lord Charlemont, Mr. Grattan, and Mr. Brownlow; but, in these happier times, if there were now an armed association to act as assessors to Parliament, the political leaders would be men of a very different description. Our repealers are now such prudent, such discreet, such constitutional, and such wise personages, that events productive of danger and alarm in 1782, would be perfectly safe in the calmer hours of 1834. We, who know ourselves, exhort you to place a firm reliance on the discretion of those who would counsel and lead the populace;—we apprehend no danger from the creation of tumultuous confederations; and, therefore, we assure you, that the scenes of 1782 will not now be repeated." Individuals who think that the leaders of the Volunteers in 1782 were more dangerous than the persons who are at present possessed of popular influence in Ireland, may, on such an hypothesis, dismiss their fears; but I own, for myself, that I am not quite prepared to place the same implicit reliance on the wisdom and discretion of the hon. member for Dublin opposite (Mr. Ruthven), that in my ignorance and prejudice I should have reposed in Lord Charlemont.

It is, however, said, that the Irish Legislature was not only a very enlightened Parliament, but that, of all others, it was the most pure and free from courtly influence. I heard this assertion with astonishment. I fearlessly assert, that of all Parliaments that ever existed, the Anti-union Parliament was the most corrupt and the most subservient. I do not say, that the people of Ireland were responsible for these corruptions, or even that the individual Members themselves were those who were the most culpable. They were the victims of seduction and temptation, rendered inevitable by the existence of the separate Legislatures; but that I should have heard it asserted by the learned Mover, that the Irish Parliament "did not receive Court favours" is one of the most extraordinary events of this extraordinary debate. Let us examine the facts somewhat more closely. From early times the Irish Parliament were in the habit of voting away money amongst themselves for the benefit of individuals. I am aware that it has been at times the practice to apply to this House for special grants of public money as personal rewards. Of this we have some late examples; but my hon. friend, the Member for Kirkcudbright (Mr. Cutlar Fergusson), appeals to the liberality and justice of Parliament, not on his own behalf, but on behalf of Captain Ross; and in the case of the hon. member for Middlesex, he sought not a vote for himself, but a compensation to Mr. Marshall for his statistical work. In Ireland the case was different; the purposes and agency of the Irish Parliamentary Committee, by whom the grants of money were distributed among the various recipients, became so well known, that they led to the title of the "Scrambling Committee." There every man seems to have scrambled for what he could get, and some turned their scrambling to right good account. It is true, that many of the grants were ostensibly given for services alleged to have been performed, or for the encouragement of particular trades and manufactures; but let us just pause for a moment, and inquire how the money was really distributed, and how far the public interest was really promoted. Let us see what Dr. Lucas, no mean Irish authority, has said on the subject of this Scrambling Committee—'I recollect a considerable 'sum was given last Session to the pro- 'prietor of a glass-house, who, the mo- 'ment he got it, instead of setting himself 'to blow bottles, set his house on fire, 'blew it up, and then went about his bu- 'siness. Large sums were also given to 'the cambric manufactory; and the next 'thing we heard was, that the proprietors 'were bankrupts. One Dalmaine got 'money for making Rhone ware, and the 'work has been discontinued from that 'time to this.' This affords a specimen of the way in which the Anti-union Parliament administered to the distresses of the people; but unless there is some glass-blower in the country who wishes to get rid of his manufactory by a summary process, I am satisfied no one can approve of this Irish mode of redressing public grievances. I hold in my hand another very characteristic extract from the debates of the Irish Parliament, which will probably be a relief to the House after the dulness of my argument, and which, at the same time, is strongly illustrative of my reasons for doubting the boasted purity of the Irish legislature. It so happened, that, in the Scrambling Committee, a word of ill-omen was unfortunately uttered, which, from the effect it produced, seems to have been considered as a species of blasphemy against the divinity of the place. The utterance of a single monosyllable threw the whole House into confusion and disorder: that fatal word was "job." No sooner was the cabalistic word pronounced, than Member after Member rose up in his place with indignation, and protested against the use of the term as offensive and highly unparliamentary. This dispute led to a speech on the origin and pedigree of the word "job," which, it must be acknowledged, was traced with great precision, and deduced from a most remote antiquity. I dare not trouble the House with the whole of the speech, but I must be permitted to allude to that portion of it which refers more particularly to the practices of that Irish Parliament which we are called upon to restore.

The Family of Jobs.—These creatures sometimes affect a violent passion for cultivating the arts of peace, for the improvement of trade, shipping, manufactures, high roads, and bridges; at other times they are very busy in preparations for war, in erecting and repairing fortifications, ramparts, and barracks; and of late they have condescended to amuse themselves with great guns, howitzers, and mortars, with powder and ball and fire and smoke, with warlike peace, and peaceful war. But their true character will always be discovered by their dilatoriness and inconsistency of conduct in whatever they undertake. They are always zealous and in haste to begin a work, but they do not care how long it is in hand, and take care to do all in their power to prevent its being finished. They will also be found frequently to begin their undertaking at the wrong end. Some time ago they were exerting all their influence to make inroads into the sea. They were building quays, and projecting piers, crying to the ocean, "Hitherto shalt thou come, and here shall thy proud waves be stayed." But at present they seem to take greater delight in the more gentle and innocent entertainment of tracing the meandering of canals and rivers through meads and lawns from one great city to another. They are found at the Treasury Board, the Barrack Board, and, in short, at every other board; nor are they ever to be missed at grand juries, or societies that have the disposal of money. It has been said by some, that they have a necromantic power which others suppose to have been long since lost, and which some modern sceptics suppose never to have existed. It is insinuated that they may, for aught we know to the contrary, be at this moment floating in the air within this sacred rotunda; that they may appear to some among us like the dagger of Macbeth, with the handle towards us. But let none of us say, as he did, "Come, let me clutch thee."

Such were the jobs of the Irish Parliament in 1764. I had hoped that the race was extinct; but I confess I have my doubts upon the subject. I am inclined to think the best days of jobbing never produced a job so undisguised as the present motion. All its features prove the legitimacy of its descent, and it comes among us with the attractions of the family to which it belongs, and claiming all the honours and dignity of its magnanimous ancestors. Yes, Sir, this motion is the most stupendous of all jobs,—a motion which, shirking the main question, occupies the valuable time of the House, and turns into ridicule those Gentlemen who are pledged to the direct question of Repeal—I allude to the *boná fide* Repealers, if there be such. The conduct pursued by the learned Member proves, that if the family of the "jobs" does not exist elsewhere, it lives in its Representative, ushered in among us by the great talents, the admirable discretion, and the disinterested and enlightened patriotism of the learned Mover. But, it may be said, that purity could hardly have been expected from the Irish Parliament before 1782. It may, perhaps, be said, that when a Parliament lasted for the life of a King, when the Mutiny Bill was perpetual, and when Poyning's law controlled all deliberative independence, it was not to be expected that the House of Commons could exercise a salutary control over the Executive; or would act with spirit and honesty. Let us, then, look to the working of the Constitution of 1782. To prove my case, I shall produce as a witness an individual who still lives in the grateful recollection both of England and of Ireland—I mean Henry Grattan. If there be a witness who, on such a subject, is above all doubt and suspicion—if there be a witness who cannot have been ignorant of the working of that Constitution which he had established—and who could not have been indifferent to the character of that Parliament of which he was the brightest ornament—as he would have been the brightest ornament of any Parliament in modern times—if there be a witness who possessed an intimate knowledge of the facts of the case—that witness is Henry Grattan. What was Grattan's statement on the 26th of February, 1790? 'What has 'our renewed Constitution as yet pro'duced? A Place Bill?—No. A Pension 'Bill?—No. Any great or good measure? '—No. But a City Police Bill—a Press 'Bill—a Riot Act—great increase of Pen'sions: fourteen new places for Members 'of Parliament, and a most notorious and 'corrupt sale of peerages. Where will all 'this end?'

Ay—well might the question be asked —where will all this end? But, whatever he might have anticipated of failure and disgrace, Mr. Grattan never could have suspected that it would end in anything so ridiculous as the present Motion. It could never have entered into his mind that all would end in the last night's panegyric upon the very Parliament which he, in 1790, had so eloquently condemned, he a living witness. In 1791, Mr. Grattan further stated—' Here your Government ' has been made by innovation completely ' provincial, and presents neither the sub' stance nor the shadow of a kingdom; ' and your executive, in this particular, ' is as completely extinguished by innova' tion.'

So that even when under the legislative authority of this independent Parliament, our most ardent patriot regarded Ireland as being in the condition of a province. We are told by the learned Member that she is still a province; he repeats (till he sickens us with the tautology,)—Ireland is "too large for a province; she must be a nation." Were she a province, she would be no worse than when described by Grattan in 1791. But I deny and controvert that fact. I deny that Ireland is a province of Great Britain. Is Scotland a province? Is England a province? Is Wales a province? We all are parts of the United Empire, and I as much belong to England, and have as much a right to all the privileges of an Englishman as the proudest Howard who walks the earth; and in like manner the Howard belongs to Ireland as fully as if born there. We are all subjects of one King—we live under the protection of one and the same law—we belong to one United Empire—and it is a delusion, and a delusion attempted for the most mischievous purposes, to promulgate the notion that Ireland can be considered a province. I protest against the attempt thus to provincialize and vulgarize Ireland. Do hon. Gentlemen think, that again reducing their country to the condition of a province, they are really asserting the independence or vindicating the honour of Ireland? I seek not a separate existence for Ireland—I seek not a separate King. I am as little inclined to admit the authority of a separate King after a Repeal of the Union, as I am now disposed to submit to the pretensions of a dictator, before that Repeal. We find from the evidence of Mr. Grattan, that the Legislature of Ireland neither possessed the substance nor the shadow of independence.

Gentlemen who look attentively into

the history of Ireland, will see that the existence of a federal connexion between two countries circumstanced like England and Ireland, could only be maintained in one of two ways. From the 10th Henry 7th to 1782, the connexion was maintained by mere mechanical force. Poyning's law, which deprived the Irish Parliament of the right of considering any question till it had first been approved of by the British Privy Council, may be considered as a piece of mechanical contrivance for preventing separation, and ensuring an identity of movement. When the repeal of that law took place, another agency was necessarily introduced—an agency which I am as little prepared to deny as, under any circumstances, I should be, at any time, induced to palliate or justify. The agency to which I allude, was that of the most lavish corruption—the most undisguised—the most undisputed. It embraced the corruption of money—the prostitution of honours—the temptations of society and of conviviality (sometimes the most formidable and the most efficient of all agencies.) The political corruption of one administration was succeeded by the fascination and social attraction of another, with all the enchantments of the Viceroy's splendid court. In short, Sir, there was no motive that could sway, and no temptation that could pervert, the mind of man, that was not employed to influence the deliberations of the Irish Legislature. All this was done during the Governments of successive Lord Lieutenants. It is true that there existed one short and brilliant exception. The Earl Fitzwilliam was too pure—too good for his place and time: he was but shown among us, and was recalled. But, with this single exception, before the year 1782, it was by the operation of Poyning's law—by perpetual Mutiny Bills, and Supplies voted for long periods of years, that a collision between the two countries was averted; and the moment when Ireland became free, corruption was employed to produce the same effect. But let the House recollect that, during the short period of Irish independence, in the case of Portugal, we were nearly engaged in a separate foreign war: that in the case of the Regency, we had all but created a separate head of the Government; and, in the case of the volunteers, that a popular commotion could only have been averted by the unparalleled wisdom of Lord Charlemont. Of the Civil War, or Rebellion, I shall speak hereafter. These are evils, as I should think, of sufficient magnitude to induce Gentlemen to hesitate before they again call into action the causes which produced them—causes which would now, as in former times, lead to the same calamities.

I proceed next to another part of the statement of the learned Member—I mean his argument with respect to the contract of the Union, and the mode by which it was accomplished. Assuredly, if Gentlemen are willing to acquiesce in the learned Member's first principle, if they believe that the Irish Parliament was not competent to pass the Act of Union, *cadit questio*. It is sometimes the fairest way to try the value of an argument, by considering the consequences to which it leads. If those consequences are found to be both absurd and dangerous, it may be reasonably inferred, that the argument itself is unsound, and that the principles on which it is founded are untrue. Let us then inquire what are the conclusions to be drawn from the learned Member's denial of the competency of the Irish Parliament, and if they can be proved to be utterly absurd—wholly irreconcilable with the existence of all law, and impracticable in themselves, let the principle be at once rejected. Now, if the Act of Union was passed by a House of Commons incompetent to pass it, the Act becomes an absolute nullity—this is, in fact, assumed in the reasoning of the learned Member. The Irish Parliament, he says, is not dead—it sleepeth. If the Union be a nullity—if the Irish Parliament still exist, we do not constitute a legal House of Commons—all the Gentlemen who are here as Representatives of Ireland are but usurpers. I felt rather alarmed at this part of the learned Member's argument, for I apprehended, that, on his own showing, the Sergeant-at-Arms might have been commanded to take those Gentlemen into custody, and to eject them from those seats to which they can have no valid right, if the argument employed by the mover has the slightest force or applicability. But this is not all. If the Irish Parliament was incompetent to consent to the Union—if the Imperial Parliament is, therefore, deprived of its legitimate title, what becomes of all our legislation passed since the Union; all the Statutes passed since 1800 are thus made nullities. We are left without the Reform Bill—without the Catholic Relief Bill—without a free trade in corn—and, in short, without any of those measures which I shall presently show have given life and activity to our agriculture, our manufactures, and our commerce.

If the argument of the learned Member was correct, these conclusions are equally undeniable. But the absurdity goes still further. If the Irish Parliament was incompetent to acquiesce in its own dissolution, it follows, *ex necessitate,* that the Scotch Parliament was alike incompetent; that is, if we assent to the doctrine that Parliament has a right to make laws, but not to create legislatures. We thus throw Scotland back to its position during the reign of Queen Anne—Ireland to its state in 1800—and we deprive of authority every law passed since the commencement of the last century. I feel, that the mere exposition of these absurd consequences is so conclusive, but, at the same time, so obvious, that I am truly ashamed to have had occasion thus to argue the question. To deny, at the present moment, the competency of the former separate Legislatures to pass a law under which we have been living and legislating for thirty-four years, is so very portentous an absurdity, that with all due respect for the learned Member, I cannot help thinking that he must have felt the weakness of his cause, and have been hard pressed for argument, when he ventured upon such sophistry. He may tell me, *non meus hic sermo,* for that the question of competency was raised by Mr. Plunkett, Mr. Saurin and others. I do not deny the weight of these authorities, but was it ten thousand-fold multiplied, and had I the same feelings of respect and of reverence for all the persons he has named, that I entertain for some among them, I should have no hesitation in at once throwing these authorities overboard, as totally inapplicable to a discussion in 1834. It does not affect our decision on the question of Repeal, to be told what Lord Grey, Mr. Plunkett, or any other person had said, during a time of great political excitement. We are now to inquire, not into the proceedings of the Irish House in 1800, but into the law and the facts of the case at present. We are to examine how the interests of the people of Ireland have been affected, and in what consists our duty to the empire at large. To taunt Gentlemen with a variation from their former opinions, on a subject like this, is but vulgar trash, relied upon to support a bad cause and give an apparent weight of authority to what cannot be sustained by legitimate argument. Having alluded, incidentally, to the Union with Scotland, I may be permitted, as an illustration, to inquire into the arguments used, very soon after the Union with Scotland, by a part of the people of that country, in order to obtain a Repeal of that Union. The arguments then urged were nearly the same with those employed on the present occasion. I beg particularly to call the attention of hon. Gentlemen opposite, to this fact, and, perhaps, they may have some misgivings with respect to the soundness of their own opinions. In the year 1713, a Motion was made in the House of Lords to Repeal the Union with Scotland, and the arguments used in favour of the Motion, when contrasted with the present state of Scotland, will suggest to the most earnest Repealers how very possible it is for persons to act with the utmost sincerity, but yet to be swayed by impulses opposed to the real interests of their country. The transaction to which I refer is to be found in our parliamentary history. A Motion was made by the Earl of Finlater in 1713, for leave to bring in a Bill to dissolve the Union. A complaint was made that the Union had been violated by the imposition of increased taxation in Scotland. This was a stronger case, the House will observe, than any advanced on the part of Ireland, for I have not heard it, as yet, stated, that the enactments of the Union have been violated by Parliament. We hear it suggested, it is true, that the Union was, in its terms, unjust to Ireland, and that the Irish Parliament made a bad bargain. But what was said by the Scotch Peers in 1713? Not only that the terms were unjust, but that those terms had been violated. The Duke of Argyll said, "If the Union were not dissolved, he did not expect to have either property left in Scotland, or liberty in England." Other Scottish Lords said, that the end of the Union was the cultivation of "amity between the two nations, but that it was so far from having that effect, that they were sure the animosity between the two nations was much greater now than before the Union." The Scottish Lords further stated, that "if the Union were not dissolved, their country would be the most miserable under heaven." Is not this what we are now told of Ireland?

Is it not asserted that Ireland is in the most wretched state of misery in consequence of the Union? Notwithstanding the prediction of the Peers in 1713, who is there who now doubts the benefits which Scotland has derived from the Union? Is there a single man in Scotland, from the border to Shetland, not being the inmate of a lunatic asylum, who would venture to address such language as this to his countrymen? Would he venture to say at any market-cross in that prosperous part of the empire, "Think of your independence, think of what you have sacrificed; you are provincialised; but you are too great to continue any longer a province, rise up, and become a nation." Would not the very women and children laugh him to scorn, and would they not hiss him off the stage, and send him to his bed? I think Irish Gentlemen would do well to consider and to adopt the reasoning of Lord Peterborough in 1713:—'Though England, who, in this 'national marriage, must be supposed to 'be the husband, might, in some instances, 'have been unkind to the lady, yet she 'ought not presently to sue for a divorce, 'the rather because she had very much 'mended her fortune by the match.'

I am unwilling to go further into the question of the Scotch Union; but I may be allowed to observe, that I find, in Scottish history, another proof and illustration of the correctness of the principle on which I have heretofore relied—I mean the utter impossibility of any two countries continuing their connexion, if combined by the link of the Throne only, and having separate and independent legislatures. Gentlemen must admit, that as soon as a proof of independence was given by the Scottish Parliament, in passing what was called the Act of Security, the necessary consequence was, either the Union or the erection of a separate and distinct nation. It was plain—to use the words of a great historian—that a union which became neither federal nor legislative, but possessing the inconveniences of both, could not long exist. I thus prove the truth of my principle. I prove it not only in Ireland, in the cases of Portugal, of the Regency, and during the existence of the Volunteers—but I prove it in the case of Scotland, by a reference to the Act of Security. Further, it cannot be denied but that North Britain (a name which I prefer as much to Scotland, as I should prefer the name of West Britain to that of Ireland)—it cannot, I say, be denied that North Britain obtained from the United Parliament many advantages, independently of the general benefits derived from the Union itself, which she never could have obtained from her local Legislature. For instance, how could her local Legislature have dealt with the heritable jurisdictions—or how could it have broken up the feudal system of clanship? The fulness of time, and the progress of education, might perhaps have ultimately accomplished those improvements; but I believe we might as reasonably have expected, without a convulsion, to have abolished the feudality of the Scotch institutions by means of a Scotch Parliament, as—without civil commotion—to have repealed the penal code through the agency of an Irish Parliament. There are cases with nations as with individuals, in which it is necessary, for the purpose of arriving at a just conclusion, to appeal to the dispassionate judgment of a third party. I believe, that both Scotland and Ireland have found, in the Imperial Parliament, easier redress of many local evils, than they could have found in separate Legislatures of their own, swayed as those Legislatures would have been by conflicting interests.

The learned Member in quoting authorities has overlooked or omitted one of the most important—I allude to Mr. Molyneux. It is somewhat curious that he should altogether have passed by the highest constitutional authority upon Irish affairs. It is most remarkable that he should have omitted all mention of Molyneux, one of the earliest advocates for Irish rights—Molyneux who risked more for his country than any of his contemporaries—Molyneux, who was the early friend of Locke (the authority relied on by the learned Member)—Molyneux, whose work was considered so bold and so adverse to the unjust pretensions of England, that this House, ordered the book to be burned by the common hangman. I appeal to the authority of Molyneux when dealing with the practical case of Ireland, from the dicta of Mr. Locke when reasoning on the abstract principles of Government—I appeal to Molyneux both with respect to the competency of the Irish Parliament to legislate, and with respect to the expediency of the Union. His words are as follow:—'If from these 'last-mentioned records it may be concluded that the Parliament of England 'may bind Ireland, it must also be allowed that the people of Ireland ought to 'have their Representatives in the Parliament of England; and this I believe we 'should be willing enough to embrace, 'but this is a happiness we can hardly 'hope for.'

It is the happiness which Mr. Molyneux sighed for, that we are now invited by the learned Member to destroy, and we are now called upon to deny the competency of that Irish Parliament which Mr. Molyneux would have entreated to petition for a Union. Bishop Berkeley also, one of the friends of Ireland has asked—'Whether it be not the true interests of both 'nations to become one people? and whether either be sufficiently apprized of this?'

The learned Member reverses these questions; the Union having made us one State, he would again resolve us into two distinct nations.

There is one further authority to which I shall take the liberty of referring. It is known to gentlemen conversant with Irish subjects, that there was no part of Lord Charlemont's life which was passed more agreeably than that part of his youth spent upon the continent. It was then that he acquired that information and refined taste which so endeared him to his contemporaries, and of which the record is so agreeable to posterity. He informs us that he visited the President Montesquieu, that he was received kindly by that great philosopher, and that this very question of the Union was the subject of their conversation. Now, certainly there could not have been found any authority more free from local bias and yet more competent to judge, than the great philosophic lawyer of France.—'In the course of our con'versation, Ireland and its interests have 'often been the topic; and upon those 'occasions I always found Montesquieu 'an advocate for a Union between that 'country and England. "Were I an 'Irishman," said he, "I should certainly 'wish for it; and, as a general lover of 'liberty, I certainly desire it: and for 'this plain reason, that an inferior coun'try connected with one much her superi'or in force, can never be certain of the 'permanent enjoyment of constitutional 'freedom, unless she has, by her Repre'sentatives, a proportional share in the 'legislation of the superior kingdom."'

Such is the opinion of Molyneux—such the opinion of Montesquieu; but we are called to abandon both at the command of the learned Mover. I am told by hon. Members opposite, that Lord Charlemont was opposed to the Union. True; and I did not read this opinion as his. But does it follow that, because he was opposed to the Union, he would therefore, after the interval of thirty-four years, be favourable to repeal? No two propositions can be more distinct. Mr. Grattan was also relied on as a high authority, and he was one; but were the grounds of his opposition altogether applicable to the present times? Mr. Grattan said—'It is no 'Union—it is not an identification of the 'people; for it excludes the Catholics. 'It incurs every objection to an Union, 'without obtaining the object which a 'Union professes; and destroys their best 'chance of admission—their relative con'sequence.'

When Mr. Grattan thus states his objection, I say boldly, that now, since we have admitted the Catholics to all civil privileges, we must reason upon very different principles. Although I have not, of course, any right to claim Mr. Grattan as an authority on my side, I have some right to argue, that his opinion was given in reference to a very different state of things. It is assumed by the learned Member, that all those who, at the time of the Union, expressed strong opinions against the measure, must necessarily be favourable to repeal, or ought, in consistency, to be so. This is quite a new doctrine; it is one which was never stated by many of those men whose opinions in 1799, and 1800, had been most adverse. On the contrary, they acted on different principles. I hold in my hand an extract from a speech of Mr. Foster, a most able and most conscientious opponent of the Union. This speech was made in 1805, in opposition to a Motion on the Roman Catholic question. What inferences does he raise with respect to the Union in this speech? His words are as follow, and they are not without interest, as exhibiting the anticipations of a sagacious mind:—'Should some score Catholics, by 'the vote of that night, find their way 'into the Imperial Parliament, and after'wards feel their inferiority in an assembly 'of 658 Members, they would rapidly 'augment their strength by new political 'recruits, and endeavour, by a Repeal of 'the Union, to re-establish the Irish Par-'liament....He felt the full force of the 'consequences to be apprehended from 'such a measure; and he trembled for 'the separation of his native country from 'that connexion with England, deprived 'of which he was convinced she could be 'neither prosperous nor happy.'

Mr. Foster, then, in opposing the Catholic claims, states as his reason for doing so, that the Catholic Members, when admitted into this House, might hereafter combine to obtain a Repeal of the Union, which, in his opinion, must lead to the total separation of the two countries. He, therefore, considered the Repeal of the Union as a national calamity. His speech proves, that an individual having entertained the strongest and most earnest feelings against the Union at the time it was passed, considered that he might afterwards, without reproach, justify his opposition to its Repeal. Much stronger is this argument after the lapse of thirty-four years. There is no one who is not now entitled, without any charge of inconsistency, to oppose the Repeal of that Statute which originally he had wished might not have passed. That Gentlemen who now most strongly support Repeal have not always thought themselves bound to state their opinions, but that they have rather led their hearers to very contrary inferences, may be proved by a document I have now in my hand. The Union has not always been hardly dealt with by Gentlemen who are now its most earnest enemies. Let the House imagine, without knowing the name of the witness, that the following evidence was given at the Bar of the Lords on oath, or before a Committee of this House:—'I beg to say, (observes the 'witness) that I am thoroughly convinced, 'that the object of the Roman Catholic 'clergy and laity is sincerely and heartily 'to concur with the Government in Ire-'land, so as to consolidate Ireland with 'England completely, and in every bene-'ficial respect. I am quite convinced of 'that. The nomination of Roman Ca-'tholic Bishops by the Crown would take 'away all influence from such persons as 'have had influence among the Roman 'Catholic people. I know some of them; 'they would wish to make the Union 'cordial and complete; it would deprive 'us of the power of doing that.'

Now, I ask the House whether, according to the common import of words, the Gentleman who thus talked of consolidating the system of Government, of making the Union complete, could, by any possibility, be a Repealer. Could a candid Committee have hesitated to believe, that the witness was seriously a friend to the Union? Is not that the meaning of his evidence? The House will hardly believe, that the evidence I have read was given by the Gentleman who makes the Motion now before us. But these were the words of a Roman Catholic seeking to obtain emancipation; the present Motion is the act of the same Roman Catholic after his emancipation has been obtained. The hon. and learned Gentleman contends, that the Union is not a binding contract, and he protests against it on account of the means by which it was carried. If he were here, I do assure him, and I assure the House, that I do not stand up to defend any improper means which may have been resorted to. At least this is not our affair. We sit here, not to discuss the means by which the Union was carried, but to consider the propriety of its Repeal. If I were called upon to state my own belief, I fear I must admit a conviction, that gross and extensive corruption was employed at the time of the Union, but I am not, by reason of such admission, driven from the position in which I now stand, because it still remains to be decided, whether the Repeal of the Union would be beneficial to Ireland. The circumstances under which any law was passed cannot be reasons for its Repeal. It is said, that the Habeas Corpus Act was carried by a majority of one, a very large fat Gentleman on passing from the lobby having been counted as two. I know not whether this Parliamentary jest be true; but if the story were authenticated, are we, on that account, to repeal the Habeas Corpus Act? Again, look at the Revolution of 1688: there are circumstances connected with that Revolution which I cannot undertake to justify. I cannot justify the defection of the Princess Anne from her own father—the defection of Lord Churchill from his benefactor; yet the Revolution must stand or fall upon its own merits, and not in reference to the means by which it was carried. Look, also, to the Union with Scotland. I do not mean to attribute anything particularly corrupt to the natives of the northern part of the empire; but, were we to examine the money history of the Union with Scotland, we might find some transactions as little defensible as those which took place on the Union with Ireland. Are we on that account to repeal the Union with Scotland? I only refer to these facts, to show that the arguments by which the learned Member has supported his case, are not really applicable, and that we are still driven back to the main question, "whether the Repeal of the Union can benefit the country?"

There is, however, another point which t is my duty to notice. The learned Member has taken upon himself to say, that the Rebellion of 1798 was fomented for the direct purpose of carrying the Union. That is a question of fact, on which, in vindication—not of the Statesmen of those days, but of human nature itself—it behoves me to say a few words, and they shall be but very few; for even assuming the fact to be as represented, still that would not affect the real question; I cannot allow this assertion, however irrelevant, to remain uncontradicted, and I am enabled to give it the most complete and entire contradiction, and that upon the most unimpeachable evidence. The learned Member was not very scrupulous in bringing forward his charges: but he only referred to one single document as evidence,—I allude to No. 14, in the Report of the Secret Committee of the Irish House of Commons. This he conceived was sufficient to show, that the Irish Government had information of the proceedings of the conspirators for a considerable time before the Rebellion broke out; and that upon this information they declined to act. It is true that he added, "If you will but grant me my Committee, I will prove the fact to demonstration." Now, with all due respect, I must remind the learned Member, that *de non apparentibus et de non existentibus eadem est ratio.* I can only undertake to deal with the facts which he has actually produced. Fortunately there is an authority of great weight on this subject, which, it is curious to remark, is found in the very book quoted by the learned Member, and yet he has conveniently chosen to overlook it. I may also allude to the admissions of Theobald W. Tone, the founder of the Society of United Irishmen; who wrote his memoirs for the information of his family and of posterity, recording the occurrences of his day with a precision and fidelity, perhaps, unequalled in any work of autobiography. Perhaps the learned Member may not have this work; but it is most remarkable, that the book he quoted contains a refutation of the assertion he has hazarded. The Report states, that although the Society of United Irishmen professed to have for their object Reform and Emancipation, they really contemplated, from the year 1791, the separation of Ireland from Great Britain. The Committee annexed to their Report the prospectus of the Society, and other documents, to confirm this assertion. How, then, can the learned Member connect this conspiracy of 1791 with the Union in 1799? Wolfe Tone goes further, and states both the objects and means of the Society. Its objects were "to subvert the tyranny of our execrable government, to break the connexion with England, the never-failing source of all our political evils, and to assert the independence of my country: these were my objects."

Now, let us inquire what were the very legitimate means by which Mr. Wolfe Tone proposed to accomplish this most justifiable object? His words are as follow:—'To subvert the tyranny of our 'execrable Government, to break the con- 'nexion with England, the never-failing 'source of all our political evils, and to 'assert the independence of my country, 'these were my objects.'

So far Wolfe Tone, who, in the objects he had in view, somewhat overpasses the avowals of the learned Member. And now with respect to the means relied on by Mr. Wolfe Tone:—'To unite the 'whole people of Ireland, to abolish the 'memory of all past dissensions, and to 'substitute the common name of Irishman 'in place of the denominations of Pro- 'testant, Catholic, and Dissenter: these 'were my means.'

Several *Hon. Members:* Hear! Hear!

Mr. *Spring Rice:* Hon. Gentlemen cheer; and I am aware, that these are the very same declarations which we hear repeated night after night by the learned member for Dublin; if the object be not as explicitly stated, the means are at least the same. Tone adopted those means to produce separation—the learned Member adopts them to accomplish the Repeal of the Union. But Mr. Tone goes on to say (and this also is in keeping with what we now so often hear from the learned Member):—'The object was to convince 'the Dissenters, that they and the Ca'tholics had but one common interest, and 'one common enemy.'

Several *Hon. Members:* Hear! Hear!

Mr. *Spring Rice:* I am not surprised at that cheer; the principles thus laid down by Wolfe Tone, resembling so closely the principles advanced in this House by the learned member for Dublin, and cheered by his political adherents. To carry the measure of Repeal, the learned Member continually recommends an union of all parties. Mr. Tone proclaims, that his mode of separating the countries was by producing a consolidation of all denominations and sects. I pray the House to recollect, that this combination of all classes in pursuit of one common object—the mere mention of which so strongly excites the approbation of the Hon. Gentlemen opposite—was called for before the Legislative Union; that it was directed as well against the supposed tyranny of the Irish Parliament, as against the connexion with Britain. The sensibility displayed by the cheers of the hon. Gentlemen opposite has, therefore, been premature, and has somewhat betrayed them. Is it not clear, that if the Union were to-morrow to be repealed, the complaints which Wolfe Tone made in 1791, and the agitation which he and his party excited, might again be renewed? The evils which Tone and his party denounced in 1791, could have no connexion with the Union, and might, therefore, exist after its Repeal, and the Protestants and Catholics might be again invited to join in one fraternal embrace, and to rid themselves of the evils of the connexion, and of the tyranny of the Throne. It is really curious to observe the close similarity between the arguments of the learned Member, and those of Mr. Tone:—'My object, (says 'the latter), was to convince the Dissen'ters, that they and the Catholics had but 'one common interest and one common 'enemy; that the depression and slavery 'in Ireland was produced and perpetuated 'by the divisions existing between them; 'and that, consequently, to assert the in'dependence of their country, and their 'own individual liberties, it was necessary 'to forget all former feuds, to consolidate 'the entire strength of the nation, and to 'form, for the future, but one people.'

The avowed object was then, the severance of the connexion between Ireland and this country, and the creation of a Republic. And what reasonable man can doubt, that these results, which were the objects of Wolfe Tone and the conspirators of 1798, would be the consequences of the measures recommended by the learned Member. The cry against the British connexion would again be raised—the arguments would be the same which are now put forward for Repeal—the motives to agitation would be undiminished. We are now asked to take the first step; that first step once taken, the second is inevitable. But a new discovery is made by the learned Member: he charges the Irish Government of 1796 with a disinclination to acts of energy. Their acts, he asserts, were not, in 1796 and 1797, sufficiently vigorous for the restraint and punishment of disaffection. What would the learned Member have recommended? The Habeas Corpus Act was suspended. In 1796, the Insurrection Act was passed, the White-boy Acts were in force, and some of the founders and abettors of the Society of United Irishmen, Mr. Wolfe Tone, Mr. Hamilton Rowan, Oliver Bond, and Colonel Butler, were proceeded against for high treason. Now what becomes of the charge of inertness, made by the learned Member, against the Government of that day? What greater vigour could he require? Was it nothing to suspend the Habeas Corpus Act, to introduce the Insurrection Act, and to charge the leaders of a great political party with high treason? Did this bespeak any great want of vigour? Is this consistent with the supposition, that they were disposed, by their criminal connivance, to foment a rebellion, in order, subsequently, to carry the Union? The charge is also refuted by dates, since the conspiracy of United Irishmen was in full force long before the Union was propounded? The assertion of the learned Member is preposterous: it is refuted by the history of the times; it is also refuted by the history of the human heart. The ringleaders of the Rebellion were prosecuted to conviction, and many of them suffered death; I am not aware, that any one of those leaders was known to accuse the Government of any participation in the crimes for which they suffered. From the political principles of the Ministry by which the Union was carried I entirely dissent; but is it not an insult to our understandings, in a

British House of Parliament, or in any assembly of Christian men, to be called upon to argue against the unsupported assertion, that any men of honour and gentlemen could be found, in our days, who could be guilty of so horrible a crime as that of fomenting and encouraging rebellion, for the purpose of achieving a political victory? This is a proposition which I am prepared to deny, and which I cannot hear advanced by any hon. Member without the most indignant astonishment. It is not for me to stand here as the defender of Lord Castlereagh or of Mr. Pitt, but I cannot believe—I should be ashamed to believe, that these Statesmen ought to be held in any degree responsible, as stated by the learned Member, for the massacres of Wexford or Scullabogue. The assertion is unsupported by any tittle of evidence, and it is contradicted by all authentic history in the most positive manner—it is refuted by the very book the hon. Member has quoted. Who was responsible for the horrors of the Rebellion, I shall not here stop to inquire. But, after all, even had these assertions been substantiated, they are beside the question, and prove nothing in favour of Repeal.

I now proceed to another part of the case. The learned Member, in order to support his argument, asked a question, and very conveniently took on himself the duty of giving a reply. It may be easy to prove any case where a party becomes his own witness. He asked, what has the Imperial Parliament done for Ireland? And in the same breath, this very willing and impartial witness replies:—"It has given to landlords a power of distraining crops, and it has perpetuated the tithe system." I put it to the House, whether this was a true and honest answer? Can it be so considered by any reasonable man? I ask each individual whom I am addressing, be his opinions what they may, whether this answer is one which he, as a man of honour, would give, or can defend? Let Gentlemen look to the manufacturing districts in the north of Ireland—let them consider the industry set in motion by the wise legislation of modern times—let them look to the agricultural improvement developed in the south; and if it can, then let the assertion be repeated, that Ireland owes nothing to the Imperial Parliament. But how could the learned Member, above all living men, venture on this assertion—he who owes his very seat in Parliament to an Act of that Imperial Parliament which he has wilfully omitted to notice. It is my duty to show what the Imperial Parliament has actually effected. One of the grounds taken by the learned Gentleman, and his adherents, upon this subject, is, that we are here indifferent to Irish affairs, and that we do not give a proper attention to the interests of that country. The assertion is without foundation. The very attention and kindness with which the House has tolerated my arguments this night, dry and uninteresting as I fear those arguments may have been, afford no slight proofs of the earnest disposition felt by all hon. Members to give the fullest consideration to the affairs of Ireland. But before I proceed to show what the Imperial Parliament has done by Legislative enactments, I beg leave first to take notice of what it has done in the way of inquiring into the condition of Ireland, into the nature of her alleged wants and grievances, and the remedies which those wants and grievances might demand. I allude to the various Reports from Commissioners and from Select Committees appointed to consider Irish affairs since the Union. Of these Reports the following is a list:—

		Committees.	Commissioners.
1801	Committees.—On Orders respecting the Union—On Offices in Ireland, disqualifying persons from Parliament	2	
1802	Committee—Linen Manufacture	1	
	Commissioners.—Accounts		1
1803	Committees.—State of the Poor—Irish Exchanges	2	
	Commissioners—Port of Dublin		1
1805	Committee.—Grand Canal	1	
1806	Commissioners.—Fees and Gratuities—Public Offices—Public Pavement—Accounts		4
1809	Commissioners.—Board of Education—Paving (Dublin)—Prisons—Accounts		4
1810	Committees.—Bogs	1	
	Commissioners.—Bogs—Accounts		2
1811	Committees.—Bogs—Public Offices—Board of Education	3	
	Carried forward	10	12

		Committees.	Commissioners.
	Brought up	10	12
	Commissioners.—Brewers (Dublin)—Wexford Petition—Public Income and Expenditure		3
1812	Committees.—Cork Green-Coat Hospital—Grand Jury Presentment—Grand Canal Company	3	
	Commissioners.—Public Income—Public Offices—Accounts—Education		4
1813	Committees.—Bogs—Irish Currency—Madhouses	3	
	Commissioners.—Education—Public Offices—Inland Navigation—Accounts—Board of Education		5
1814	Committees.—Bogs—Grand Jury Presentments	2	
	Commissioners.—Royal Canal Company—Bogs—Public Offices—Accounts		4
1815	Committees.—Public Income and Expenditure—Grand Jury Presentments—Poor	3	
	Commissioners.—Education—Royal Canal Company—Accounts		3
1816	Committees.—Public Income—Grand Jury Presentments—Illicit Distillation	3	
	Commissioners.—Education—Public Accounts—Inland Navigation		3
1817	Committees.—Lunatics	1	
	Commissioners.—Education—Courts of Justice		2
1818	Committees.—Fever Hospitals—Grand Jury Presentments	2	
	Commissioners.—Education—Auditing Accounts—Courts of Justice		3
1819	Commissioners.—Prisons—Education—Courts of Justice—Public Accounts		4
1820	Commissioners.—Courts of Justice—Education—House of Industry (Dublin)—Accounts		4
1821	Committees.—To consider Report of Commissioners on Courts of Justice	1	
	Commissioners.—Dunmore Harbour—Fisheries—Courts of Justice—Exchequer—Education		5
1822	Committees.—Dublin Local Taxation—Grand Jury Presentments—Limerick Local Taxation		
	Commissioners.—Courts of Justice—Education—Fisheries		3
1823	Committees.—Dublin Local Taxation—To consider Reports of Courts of Justice—Labouring Poor	3	
	Commissioners.—Public Accounts—Education—Prisons—Fisheries—Employment of Poor		5
1824	Committees.—Dublin Local Taxation—Insurrection Act—Valuation of Land	3	
	Commissioners.—Revenue—Courts of Justice—Public Accounts—Fisheries—Public Records		5
1825	Committees.—Dublin Local Taxation—Linen Trade—State of Ireland—Petition of Ballinasloe relative to Roman Catholic Association	4	
	Commissioners.—Courts of Justice—Fisheries—Education—Revenue		4
1826	Committees.—Butter Trade—Market Tolls—Promissory Notes	3	
	Commissioners.—Revenue—Dunleary Harbour—Public Accounts—Fisheries—Roads and Bridges—Justice (2)		7
1827	Committees.—Grand Jury Presentments	1	
	Commissioners.—Accounts—Courts of Justice—Roads and Bridges—Prisons—Paving Board—Richmond Penitentiary—Fisheries—Schools and Middleton—Education		9
1828	Committees.—Education—Vagrants	2	
	Commissioners.—Public Accounts—Roads and Bridges—Courts of Justice—Prisons—Fisheries—Education—Records		7
1829	Committees.—To consider Eighteenth Report of Judicial Inquiry—Kilrea Petition (forged signatures)—Miscellaneous Estimates	3	
	Commissioners.—Post Office Revenue—Public Accounts—Courts of Justice—Roads and Bridges—Prisons—Fisheries		6
1830	Committees.—On Nineteenth Report of Judicial Inquiry—Poor	2	
	Commissioners.—Roads and Bridges—Courts of Justice—Education—Records		4
1830-31	Commissioners.—Courts of Justice—Prisons—Roads and Bridges		3
1831-32	Committees.—Boundary Commission—Post Office Communication—Tithes—Turnpike Roads—State of Ireland	5	
	Commissioners.—Ecclesiastical Inquiry—Courts of Justice—Education—Public Accounts—Prisons		5
1833	Committees.—Derry Bridge—Dublin and Kingston Ship Canal—Corporations	3	
	Commissioners.—Accounts—Prisons—Public Works—Ecclesiastical Inquiry		4
	Total	60	114

Total number of Reports of Select Committees	60
——— of Commissioners	114
Total	174

But to come to the results. In the course of the thirty-two years that elapsed between 1801 and 1833, there have thus been sixty Committees of Inquiry, and 114 Reports of Commissioners, making, in the whole, 174, all bearing upon Irish interests. But I perceive that hon. Gentlemen seem to doubt whether all this inquiry has led to any practical results. One reference will meet this objection, and meet it triumphantly: the Committee of 1824 and 1825, on the state of Ireland—that Committee which I consider we owe to my noble friend (Lord Althorp)—it was to the evidence taken before that Committee that we owe the success of the Roman Catholic question. The evidence taken before that Committee contributed more than any other cause to remove the doubts and prejudices which had previously existed in the public mind, with respect to the propriety of conceding the Catholic claims. But it may still be asked—What further practical measures have proceeded from all these Reports and Committees? Let it be remembered that the question I am now discussing arises out of the learned Member's reference to two Irish measures only as having been carried in the Imperial Parliament! The learned Member stated emphatically, that what the Imperial Parliament has done for Ireland, has been to pass a Bill allowing the sale of growing crops by distress, and another for the better recovery of tithes. Does the learned Member recollect the passing of the 46th Geo. 3rd, c. 46, which has given to Ireland a free trade in corn? Was not that a concession favourable to Irish interests? Do hon. Gentlemen venture to disregard the consequences to Irish agricultural industry, of the free intercourse in corn between Ireland and England? Do they not know that, during the existence of the Irish Parliament, Ireland had been a corn-importing country, receiving supplies largely from England?

Mr. *Feargus O'Connor:* Hear! Hear!

Mr. *Spring Rice:* Does the hon. Gentleman who cheers think, that the condition of Ireland was better than at the present day, when she was subsisting on corn imported from England, and when, according to Dean Swift, Ireland was dependent, for her supply of corn, every third or fourth year, on this country? Has she become poor and wretched because she has now the means of exporting a large surplus produce? If that opinion be entertained by the hon. Gentleman, and by those hon. Members who sit around him, I may indeed despair of convincing them, and must give up the whole argument at once. If they think that an unrestricted intercourse with the best and richest market for agricultural produce in the world is of no advantage to Ireland, there cannot be any argument urged that will influence their opinion. But, notwithstanding the dissent of the hon. Gentleman, I am inclined to think that the increasing produce of Ireland will be taken by the world at large as a proof of her increasing prosperity. I may, therefore, point out the free-trade in corn with England as one of the most substantial advantages which Ireland has derived from the Imperial Parliament—an advantage not confined to the rich or powerful, but creating a new demand for labour, and thus improving the condition of every cottager in Ireland. This I make my first point. My next is the complete freedom given to general commercial intercourse, by which the cross-channel trade was made, by 6th Geo. 4th c. 107, a coasting-trade; and the intercourse with Ireland was left as unrestricted as that between London and Newcastle. Again, the butter-trade of Ireland, one of the most important branches of our commerce, has been freed from the absurd restrictions of former Acts, by 8th Geo. 4th, c. 61—and, again, by 9th Geo. 4th, c. 88.

I may be permitted to notice the Amendment of the Banking-laws of Ireland (by 6th Geo. 4th, c. 42, and by 1st Will. 4th, c. 32). If hon. Gentlemen knew what the banking-trade of Ireland originally was, and could compare it with what it now is, they would at once perceive how inestimable are the advantages which have resulted from this last-mentioned measure. The security of our circulation—the reduction of the rate of discounts — the establishment of cash credits and of deposits bearing interest —these are real and solid advantages which Ireland now enjoys, and which every merchant connected with that country knows how to appreciate; and all these advantages have been conferred upon Ireland by the Acts of the Imperial Parliament. I repeat, then, that it was not just—that it was not fair—that it was not sincere—when benefits like these have been secured for Ireland—to state, that the collection of tithes and rents had been the only matters to which Parliament had given attention.

I proceed with the detail. I next come to the Act for the Assimilation of the Currency (6th Geo. 4th, c. 107); next to the advance of 200,000*l.* for the purpose of supporting public credit in Ireland (6th Geo. 4th, c. 39). Then to the Act for the Encouragement of Fisheries by the construction of Piers and Harbours (50th Geo. 3rd, c. 95). The Act for the Relief of Insolvent Debtors (2nd Geo. 4th, c. 59). The Act for the Support of Public Works (1st and 2nd Will. 4th, c. 33), by which an advance of 500,000*l.* was made for that purpose. The Act for Amending the Grand Jury Laws. The Act for the Embankment of Rivers. The Act for the Discouragement of Joint-Tenancy. The Act for Amending the Sub-letting Act. The Act for Preventing Vexatious Distress and Impoundings. The Act for Abolishing the Vestry Cess. The Tithe Commutation.

Several *Hon. Members*:—Hear! Hear!

Mr. *Spring Rice*:—Gentlemen cheer at the mention of the Tithe Commutation Act, meaning, I presume, to suggest that Ireland has not derived any benefits from that measure; I entreat them, however, to bear one matter in mind—I am not called on to prove, that what has as yet been effected is perfect and complete, but that the state of the law, as regards tithes in Ireland, is now more favourable to Irish interests than it was before the Union. I refer to the Statutes as the proof, and as the cause of that improvement. I go back to the times of Mr. Grattan; and I compare that which has been carried into full effect, by the Imperial Parliament, with that which Mr. Grattan ineffectually attempted to induce the Irish Parliament to concur in enacting. The objects he then vainly sought for have since been fully accomplished, and the law is, now, not only better than it was before the Union, but it is infinitely better than our warmest patriots at that time thought it could be made. If Gentlemen doubt, let them compare the present law with the preamble of Grattan's Bill of 1789. That preamble runs in the following words:—'Whereas, it is expedient 'to relieve the people of this country 'from the hardships to which they are 'now exposed by reason of uncertain 'payments and demands on account of 'tithes and small dues, in order to ascer'tain and commute both.'

Such was the object Mr. Grattan sought for. I admit, that more can and ought to be done in 1834 than in 1789, because the state of the times and of public opinion is very different. But I am comparing the present state of the law of tithe, with the state of the Tithe-law before the Union; and I say, without risk of contradiction, that the principles laid down by Mr. Grattan, in 1789, and which the Irish Parliament refused to recognise, have since been made the basis of our remedial measures. I proceed with the detail of other useful Acts which have been passed by the Imperial Legislature. We have amended and consolidated our Prison-law—we have abolished Church-rates—we have introduced into Ireland the reformed Criminal Code of the right hon. member for Tamworth, and the mitigations of the severity of that Code, which were proposed by Sir J. Mackintosh—we have taken steps for the survey and valuation of Ireland, as a remedy for the inequalities of our local taxation—we have passed a Grand Jury Bill, and a Petty Jury Bill. But if all these are nothing, has not this abused and vilified Parliament done something more? How comes it that the learned Member did not think fit to allude to emancipation and reform? Is it possible to imagine, that he should have lost sight of these two measures? Surely, when contrasting the events of the Irish and the Imperial Parliaments, it is a gross mockery and delusion to confine the claims of the latter to the enactment of two laws of doubtful popularity, and of minor importance. Such a partial mode of stating the case, omitting all mention of the great and beneficial measures I have enumerated, can be considered to be no better than a gross mockery and a delusion.

But I have not yet described all that has been effected by the Imperial Parliament for Ireland. During the Administration of my right hon. friend, the President of the Board of Control (Mr. Charles Grant), a full and thorough revision took place of the forms of procedure and of all the offices connected with the administration of justice. The Court of Chancery, the Exchequer Chamber, all the Courts of Common Law, in that country were subjected to the most searching inquiry, and the abuses that had crept into them were corrected. Up to that period, in almost every Court of Law in Ireland, there existed various sinecure offices to which salaries of a large amount were attached—salaries amounting to as much as 7,000*l.*, 8,000*l.*, 9,000*l.*, and 10,000*l.* a-year. These sinecures have been all abolished. Not one of those legal sinecures is allowed to remain. Their abolition was effected—how? By Bills passed in the Imperial Parliament. What has been the result in a pecuniary point of view? The following table will show the saving to the suitors on termination of existing interests.—

Reduction of expenses to suitors in Courts of Justice.

Court or Office	Total average of official emoluments, according to Returns.	Estimated amount of proposed Fees and Salaries.	Estimated saving to the Suitors	Observations.
	£	£	£	
Court of Chancery	75,700	49,740	24,900	exclusive of 1,060*l.* to the Consolidated Fund.
„ King's Bench	22,500	9,000	13,500	
„ Common Pleas	30,000	13,000	17,000	
Clerk of the Pleas of the Exchequer	28,000	12,000	16,000	
Court of Error..	900	150	450	exclusive of 300*l.* to the Consolidated Fund.
Judges' Registers	11,900	6,450	3,580	exclusive of 1870*l.* to the Consolidated Fund.
Register of Deeds	7,500			

Note.—The above calculations do not include judicial fees. Of these, in some instances, no returns were received; and, in others, the amount is doubtfully stated. For the reasons stated in the Fifth Report, p. 16 and 17, &c., no estimate of future emoluments on this head can be satisfactorily proved.

Upon this estimate the saving to the suitors in the above departments may be stated at 75,000*l.* per annum; whilst the expense of the proposed official establishments, falling short of the estimated provision by 7,000*l.* a-year, would leave the annual surplus disposable in aid of the Consolidated Fund, in addition to the salaries and allowances to the Clerks of the Crown and Hanaper, and other officers now charged thereon, amounting to 4,545*l.*; in lieu of which provision has been proposed to be made by fees.

The difference between the total receipts heretofore in the departments already reported upon, and the estimated expense of their proposed establishments, may be stated at 88,000*l.* per annum.

These are reforms which my country owes to the instrumentality of the Imperial Parliament; and let it be borne in mind, that improvements of a similar kind had been attempted in the Irish Parliaments at various periods, from the year 1731 to the time of the Union, but those attempts had been made ineffectually. The Irish Parliament was conscious of the existence of the evil, but it failed in devising any effectual remedy; the Imperial Parliament investigated the evil, and provided a remedy which, I trust, may be effectual.

I feel that I am trespassing upon the patience of the House, by the tediousness of this dry and dull detail; but it is indispensable, that I should answer the question put by the learned Member, and thus vindicate the proceedings of the Imperial Parliament. I now come to another branch of this subject, and shall examine the Statutes passed since the Union on a subject, the deep interest of which will not be denied by the learned Gentleman; for I will not imagine, that he can be indifferent to laws which tend to diminish the misery and suffering of his fellow-men. I ask whether the Imperial Parliament have neglected the case of the sick and indigent classes in Ireland? Would to God that my statement could reach many of my fellow-countrymen who have petitioned for the Repeal of the Union! I refer to the laws under which our public charities are supported. It is true, that county hospitals and houses of industry existed before the Union; but the sphere of their utility was limited, and their incomes were insignificant. The extension and improvement of our charities has taken place altogether since the Union. The sums levied for their support are greatly increased under recent Acts of Parliament; and in the room of establishments wholly inadequate to the relief of the poor, we have now charities for the sick equal to any in Europe. The Acts which give them their present utility, are Acts of the Imperial Parliament. The dispensaries now scattered over the entire island, have been established under an Act of the Imperial Parliament; I am, therefore, entitled to say, that every sick person in Ireland, who receives relief at any one of those establishments, ought to bear in mind, that he receives that relief in consequence of an Act passed at Westminster, and not in College Green. Again, our noble asylums for the lunatic poor have been also founded under laws of the Imperial Parliament. To that Parliament we also owe our fever-hospitals; to that Parliament various measures for the employment of the poor—for the extension of a well-ordered system of education (with respect to which, I shall say a word by-and-by)—for the formation of boards of health—for the institution of savings' banks, friendly societies, and charitable loans; all of which have been prosecuted, regulated, or encouraged by Acts of this Legislature. I ask, whether, in a speech which was intended for the Irish people, rather than for us, it was fair to suppress all mention of these useful and beneficent Acts, and to state drily, that the Statutes on which our claim to the gratitude of Ireland could be founded, were, the Act for Distraining Crops, and the Act for Facilitating the Collection of Tithes. I have slightly alluded to the question of education; I should be willing to stake the whole of my argument upon this point alone. In what condition did the Imperial Parliament find the question of education in Ireland, and in what condition is that question left at the present moment? All that was done before the Union, was, to provide for the Protestant Charter-schools, established, as they were, for the purpose of proselytism and intolerance. These were annually recommended from the Throne, and were commonly supported by Parliamentary grants. For the education of the great bulk of the people, no step whatever had been taken by the Irish Parliament. Before the Union, the home education of the Roman Catholics was prohibited—and foreign education was prohibited also. The teachers were made the objects of penalty; and every wicked folly that could tend to brutalize the people was included in the system of the Irish Legislature as regarding education.

Several *Hon. Members*: Hear, hear!

Mr. *Spring Rice:* Hon. Gentlemen cheer; but I am stating no novelty; I am stating facts. It is my duty to contrast the time before the Union with the time that has succeeded it. I wish to contrast what was done by the Irish Parliament, with respect to education, with what has since been done by the Imperial Parliament. On the 6th of April, 1786, Mr. Secretary Orde moved, in the Irish House of Commons—"That the national foundation of one or more public schools for facilitating and extending to the youth of this kingdom the means of good education would be of great public utility." This was adopted, but no grant of money followed. How different has been the case with the Imperial Parliament. When any vote of that kind has been passed, a grant of money to promote the desired object has followed as a matter of course. Mr. Secretary Orde tried the thing the next year, and on that occasion, he stated:—"That education, at least, so far as respects the lower classes of the community, is in so deplorable a condition, that it may be truly said, 'for lack of knowledge the land perisheth.'" Notwithstanding this statement, nothing was effectually done by the Irish Parliament to promote general education in Ireland.

But what is the state of education in Ireland at the present moment, as compared with what it was at the period to which I have just referred? In 1806, the Government of that day, issued a royal Commission of Inquiry into the subject of education. In the year 1812, it appeared by the Fourteenth Report, "That at that time, the number of schools in Ireland might be estimated at 4,600, containing about 200,000 scholars." Another Commission, issued in 1824; and by the First Report of 1825, it is shown that the number of schools and scholars had more than doubled. The number of children receiving education, in 1825, was 560,549. During the existence of the present Administration, a new system of education, the most popular and comprehensive, has been introduced, and short as has been the time it has been in operation, its success is complete. The following Return proves my assertion:—

EDUCATION.—SCHOOLS UNDER THE DIRECTION OF THE NEW BOARD.

Grants made to Schools in operation -	£789
Grant to Schools, whose connexion with the Commissioners has ceased - -	52
Further Schools in progress - -	199
	1040
Scholars in Schools now in operation - -	107,042
Scholars in Schools now in progress -	36,804
	143,846

There may be some who differ from me as to the principle upon which education in Ireland is now conducted. I shall not now stop to argue a question, which cannot be raised by the present Motion; for as between me and the Repealers, we are for once agreed. There is nothing which affords a more striking contrast between the measures of the Irish and the Imperial Parliaments than the conduct of each on this question. The contrast is as strong as that between darkness and light. I have dwelt upon this part of the case, as additional evidence of the extreme unfairness of the learned Member, in having omitted all mention of this most important subject. I now proceed to the Reform Bill.

The hon. Gentlemen opposite seem to think that Ireland has not gained much by the enactment of that measure; and I even recollect, that it has been said, in language of gross exaggeration, that the Reform Bill was an insult to Ireland. Now, it appears to be thought so utterly immaterial as to be passed over without mention; I may suggest, that it would be ungrateful in hon. Members, who owe their seats, and the strength of their party, to the Reform Bill, if they should now deny that it gave to Ireland an improved constituency. Do not most of those hon. Gentlemen owe their seats in this House to the change which Reform has effected in the constituency of Ireland? Insulted, as it is stated, that country has been, by the Reform Bill, let me contrast its constituency at the present moment with its constituency as described by Mr. Grattan, after the establishment of Irish independence in 1782. In 1793, Mr. Grattan described the House of Commons as consisting of 300 Members, 200 of whom were returned by individuals, and from forty to fifty by constituencies consisting of not more than ten persons; he added, that several boroughs had no resident electors, that others had not more than one, and, upon the whole, that two-thirds of the House, that is to say 200 Members, were returned by less than 100 persons. That Parliament of 300 included also 104 placemen and pensioners. What is the case now? At the present moment, Ireland has a constituency of 90,285 electors. I think, then, that it is rather hard in those who have been returned by the enlarged constituency created by the Reform Bill to turn round upon us, and to depreciate the Constitution of 1834, as compared with that of 1782. But, it may be said, that though the two countries are united under the authority of one Legislature, we have not, in every respect, given to Ireland the laws of England. It is true, that there do exist differences between the laws of the two countries: this must, in many cases, be so. Does it, however, follow that these distinctions are always to the disadvantage of Ireland? I may be permitted to call the attention of the House to the principle upon which some of those differences rest. If we find that many of these variations that have been made proceed from a desire to benefit Ireland, and to encourage and protect Irish interests, then, I think, it must be admitted that the people of Ireland have no great right to complain. Let me select a few instances:—I first take the administration of our charities, the fever hospitals, for instance. Under the law of Ireland, it is provided, that the founders of these charities shall be entitled, in aid of their charity, to a sum from the public Treasury, proportionate to the amount they have raised by public subscription. No such aid is given in England. Then, in respect to all the great lines of road in Ireland (and I beg the attention of English Gentlemen to this fact), if a mail-coach road be required from one great town to another, in place of casting upon the counties through which the road passes the burthen of raising the amount of money required to carry the project into effect, the Treasury is bound by law to advance the whole of the outlay, free of interest, repayable by the counties in twelve half-yearly instalments. No such provision exists in England. Again, in order to reduce the local burthens required for the erection of prisons, the same principle is adopted. If a prison be required in Ireland, the county, in like manner, is entitled to borrow the money from the Government, free of interest, and is bound to repay it by twelve yearly instalments. No provision of that description exists in England. In the law with respect to public works in the two countries, another distinction of the same kind is mentioned. In England, a loan of Exchequer Bills has been made for the prosecution of public works, but the repayments are carried to the Consolidated Fund. In Ireland, Parliament has made a permanent grant of 500,000*l.*, which, though a loan to the individuals, is a grant to the nation. The effect of these public works will be shown by the following extracts from a Report on the Table of the House, but not yet printed:—'In traversing a country covered 'with farms, and in a high state of cultivation, showing every sign of a good soil, 'and of amply remunerating produce, it 'becomes difficult to credit the fact, that 'ten or twelve years since, the whole was 'a barren waste, the asylum of a miserable and lawless peasantry, who were 'calculated to be a burthen rather than a 'benefit to the nation; and that this improvement may be entirely attributed to 'the expenditure of a few thousands of 'pounds, in carrying a good road of communication through the district. Many 'extensive districts are still without them, 'where the country is capable of the 'greatest immediate improvement. Whenever a new road is constructed, flourish-

'ing farms at once spring up, and the 'carts of the countrymen (as has been 'forcibly expressed by one of our engi'neers), press on the heels of the road'makers as the work advances.'

Again, in the trials of controverted elections, Commissions are granted for taking evidence in Ireland, the expense of which falls but partially on the parties, and the balance is paid by the State. Then, with respect to the general survey and valuation of Ireland, the extra expenses incurred beyond the expense of the analogous operations in England amount to 300,000*l.* or 400,000*l.*, and this for the sole purpose of making that survey more useful for the local interests of Ireland. I could allude further to the expense of our constabulary, to the grants for fishery, piers and harbours, and to various other matters, in which the same sedulous attention has been paid to the wants and necessities of Ireland.

After this recital, which I fear has wearied the House, and after laying these statements before them, I ask whether I am not again entitled to deny, that the learned Member has either put his question fairly, or has answered it truly; the question having been—what has Parliament done for Ireland since the Union?—and the reply of the learned Gentleman having been—that it had given to landlords the power of distraining growing crops, and to titheowners a better security for their property. The learned Member frequently alluded to the columns of figures which he supposed were about to advance at my command. The attack in column has often succeeded, but on no occasion has it ever seemed to create more dismay than when the learned Member seemed to anticipate that my column might penetrate his centre or turn his flanks. He seems to admit, that the charge of my column would destroy the line deployed under the command of the gallant leaders opposite. I declared, in the early part of the evening, the object I had in view in laying papers on the Table of the House. That object was to inform hon. Gentlemen of the nature of some of the arguments I might use on this occasion; and to rebut the inferences deducible from the papers moved for by the learned Member. I do not mean to deny, that fallacious inferences might be drawn from some of these papers; at the same time, I know that there is scarcely any way of stating the financial accounts of a country, which may not lead to fallacious inferences. But the same object applies to the Return of the hon. Member:—take, for instance, the Return regulating the duty on hops. I cannot, of course, call for an account of the revenue raised from hops, without taking credit in that account for the amount of hops consumed out of this country. But does not the learned Member see, that the same objection applies to all similar accounts? For example, the learned Member calls for a series of accounts to show the taxes which have been repealed in England and in Ireland respectively, in order to point out the supposed injustice and inequality displayed in the relief granted; in these cases he is entitled to argue, that a tax may be nominally levied from the manufacturer in England, and yet really paid by consumers in Ireland; does he not, then, also see, that I am equally entitled to say, that a tax may apparently be repealed in England only, and yet that the benefit may be felt in Ireland likewise? To illustrate the argument, if I assume the repeal of the duty on hops, that would enter into the Return called for by the learned Member, there it would form a part of the total amount of taxes repealed in England. The learned Member would then tell us, that relief to the extent of the Hop-duty had been granted to England, whereas, it is quite clear, that in that event, Ireland would have obtained relief to the full amount of the duty levied on her consumption of hops. The same argument applies equally to many other cases that might be stated. Our accounts can only provide hon. Gentlemen with a statement of facts, and it is for them to raise their own inferences, and adduce their own arguments afterwards from those facts. There never existed, however, a greater mistake than to imagine that the repeal even of taxes levied exclusively on England, might not be at the least equally advantageous to Ireland as to this country. Take as an example the case of the duty on printed cottons. Hon. Gentlemen who are opposed to me will labour under a great delusion if they do not take into account the drawback which was allowed in relation to this duty. I do not know whether they are aware of this fact; but, at all events, I call their attention to it if they choose to raise an argument against my tables. But let them ask any manufacturer in Ireland, or any consumer in

Ireland, and they will learn from both, that although this was a tax payable in Great Britain only, yet that there never was a measure of relief more beneficial to Ireland than the repeal of this duty. It has given an activity, a vigour, and a success to the trade and manufactures of Ireland, which they had not previously enjoyed. I could adduce other arguments for the purpose of convincing the learned Member, that the effect of a remission of taxation is not always that which it appears to be. But, Sir, had we no taxes before the Union? Had we none that were highly prejudicial to the interests of the poor—because it is for the poor we are now called upon to argue? Before the Union, the odious tax called hearth-money was collected in every part of Ireland. What says Mr. Grattan on this subject?—'I am convinced that the man who has but 5*l.* in the world, who pays 30*s.* for his house, ought not to pay hearth-money. The strongest argument for his relief is the bare statement of his condition. What benefit does the State confer on such a man, that it should have a right to tax him? In what property do your laws protect such a man—a man who has no property?'

I am very anxious to call the attention of the House to this passage. Mr. Grattan goes on to say, that the hearth-money is the only tax the peasantry then paid. Why?—'Because (he adds) they are so extremely poor—so very wretched—that they cannot afford to consume, in any great degree, the articles which are taxed in this country, where almost everything is taxed—where soap, candles, and tobacco are taxed.'

This was in 1780; and the inference to be drawn from Mr. Grattan's observations is, that at that time no direct taxes could then be paid by the poor. Now we are told by the learned Member, that whatever taxes are at present paid in Ireland, are paid, in a great degree, by the poor. Well, then, if those articles of luxury which are taxed are consumed by the poor, and if, as appears on the authority of Mr. Grattan, the poor were unable to consume those articles at the time when he made the speech to which I have referred, is it not the undeniable consequence, if the poor consume these articles now, that they are at present in a better condition than they were before the Union? This is unquestionably the result, because we find that Mr. Grattan expressly states, that the poor were unable to pay any tax but this hearth-money, their poverty preventing their consumption of any taxed articles. But out of four taxes complained of by Mr. Grattan before the Union, only one now exists—the duty on tobacco; no hearth-tax is paid, no soap-tax is paid, and no candle-duty is paid in Ireland. I have prepared some of the accounts which I have before me, for the purpose of showing hon. Gentlemen, although they may not lead to results of entire accuracy, that it is, however, undeniable, that if Great Britain has obtained very considerable relief, she has also borne an enormous weight of peculiar taxation, and of taxation not directly applied to Ireland. If Gentlemen will refer to those papers, they will see what has been the excess of taxes paid by Great Britain since 1800. In the following accounts I have corrected the sum which has been, in one respect, erroneously stated, that is, by charging twice the duties on salt, under the head of Excise and Customs. The following accounts will exhibit these important details:—

Assessed, Land, and Property Taxes borne exclusively by Great Britain.

Land Tax	£43,497,297
Income Tax	9,613,991
Aid and Contribution	67,892
Property Tax	145,833,019
1*s.* 6*d.* and 4*s.* Duties	2,094,204
	£201,106,403

Difference of Taxation on Articles subject to Excise Duty in Great Britain and Ireland.

Excess of Taxes paid in Great Britain since 1800, upon articles subject to Duty in both Countries, above the amount which would have been paid had the rates in Great Britain been the same as in Ireland, viz.		*Excise.—Differences.*
Auctions	£1,603,640	To January 5, 1834.
Glass Bottles	2,390,366	To July 5, 1828, when the rate was assimilated.
Hides and Skins (Estimate) ..	3,869,611	To January 5, 1825, when the rates were assimilated.

Licenses		The rates are so numerous and have so frequently varied, that it is not practicable to form any estimate with respect to this duty.
Malt	29,251,946	To July 5, 1815, when the rate was assimilated.
Paper	627,165	To January 5, 1825, when the rates were assimilated.
Spirits	42,897,695	In England, to Jan. 5, 1834; in Scotland, to Oct. 10, 1823, at which period the rates in that country were assimilated with those in Ireland.
Salt	28,043,118	
Vinegar	726,624	To January 5, 1826, when the rate was assimilated.
	£109,410,165	
Total Excess or Difference of Taxation in Great Britain.	321,346,642	

Had the rate of taxation in Ireland been the same on the articles taxed in both countries, the increase of receipt would have been as follows:—

Difference of Taxation between Great Britain and Ireland.

Customs	£21,127,662
Excise	45,707,941
Stamps	9,565,000
Taxes	14,847,483
Total	£91,248,086

Excess of Taxation levied in Great Britain by reason of the difference of Rates.

Customs	£130,065,000
Excise	321,346,642
Stamps	86,638,000
Taxes	80,237,406
Total	£618,287,048

Taxes levied in Great Britain exclusively.

Excise	£211,936,477
Stamps	20,000,000
Taxes	246,239,947
Total	£478,176,424

I am aware that these topics are very dry, and that this statement cannot fail to be a most tedious one, but I entreat hon. Gentlemen to do me the favour to attend to the facts I am now about to advert to, and I think they will see that those facts are most important. The argument against me is, that in matters of taxation, Parliament has acted most unjustly towards Ireland. I refer, as a triumphant reply, to the rates of Stamp-duties levied in that part of the empire, and I beg hon. Gentlemen to attend to my statement. I do not know on what principle it can be argued, that the estate of a man who dies worth 1000*l.* in the one portion of the empire, is not as fair a subject of taxation as if he resided in the other. Now, let us see how great has been the difference of taxation levied in Great Britain and Ireland in this respect. It will be seen, that this unjust, partial, and iniquitous British Parliament, in making its fiscal arrangements, has imposed a duty of 100 per cent less on legacies in Ireland than in England. The Stamp-duty on deeds in Ireland is eighty per cent less than in England; on probates, fifty per cent; on administrations, 120 per cent; on receipts, sixty-five per cent; on newspapers, 100 per cent; on almanacks, sixty per cent; on fire insurances, twenty per cent; and on advertisements, fifty per cent less than in England. Why, Sir, I say, that with these simple facts before us, it is as preposterous and absurd, as it is untrue, to imagine or assert, that the interests of Ireland have been neglected. I admit, that I cannot justify many of these preferences. Suppose that a man were to die in Ireland, leaving an immense mass of property;—suppose that the great capitalist, who lately died in this country (I mean Mr. Adair), had been a resident in Ireland, and had died in that country, what an enormous inequality would this 100 per cent have been in such a case! and why it should have been allowed to exist I know not, except for the advancement of the interest of Ireland, and from a wish to benefit that country. No other motive could have induced the Legislature to impose a duty upon legacies in Ireland less by 100 per cent than that which is levied in England? When I take further into account, that the Income-tax has never been extended to Ireland, that the Land-tax has never been extended to Ireland, that the Beer-tax has never been extended to Ireland, that the duties on bricks, candles, beer, soap, starch, and other articles of Excise and Customs, have never been extended to Ireland, I really think that it is unnecessary to dwell further upon this part of the case. I venture, then, to claim this merit for my figures. By putting them in the hands of Members, I have enabled them to judge whether, in matters of taxation, there has been, on the part of the Imperial Parliament, any disregard of the interests of Ireland.

The learned Member has truly said, that there is one fallacy in my calculation of the taxes which would have been levied on Ireland, had the rates of duty been raised. It is perfectly true, that consumption must have diminished in such case. But then, I may state the accounts in another manner. If the taxes had been reduced in England to the same rates as in Ireland, the consumption must inevitably have increased; and yet, in one of the modes in which hon. Members will perceive that the accounts are prepared, no credit is taken for such increase, but the difference of taxation is computed upon the quantities actually consumed after payment of the higher duties. The taxes levied in Great Britain exclusively—that is to say, the taxes paid in this country,—for it is true that Ireland contributes to them, in as far as she consumes some part of the articles on which these taxes are imposed, —amount to 478,176,274*l.* This sum, added to the amount produced by the different rates of taxation, makes a total exceeding the whole amount of the national debt. I have already admitted, that this calculation is, to a certain extent, open to argument and controversy; but no less so are the statements of the learned Member with respect to taxes repealed. I am, therefore, entitled to set one statement against the other, making this observation on behalf of my own, that I believe the data to which I refer to be accurately stated.

I shall next say a few words with regard to the sums voted by the Imperial Parliament for the improvement of harbours either in, or connected with, Ireland; —works the utility of which cannot be controverted,—works undertaken with a view to the special benefit of Ireland. The votes for such purposes have been as follows:—

Howth	£ 345,194
Kingstown	304,335
Donaghadee	132,672
Port Patrick	125,379
Dunmore	79,175
Hobbs Point	23,422
Total,	1,010,177

The expenditure on the harbour of Holyhead is not included in this statement, as it would be difficult to distinguish it from the cost of the road through North Wales. These circumstances, I admit, cannot, and ought not, to justify the refusal to Ireland of good government: it is no apology for not enacting salutary and wise laws; but, with such evidence before us, it is irreconcilable with the fact to assert, that this Parliament has neglected Ireland; and that, if we are called on to consider the cases of Irish improvement, we are driven to look back to the Acts of the Irish Parliament. With respect to the grants for charitable and literary institutions in Ireland, and the miscellaneous grants, I find that these grants of the Imperial Parliament have, since the Union, exceeded 8,000,000*l.*; these grants consist of the following sums:—

	From Jan., 1801, to Jan. 1817.	From Jan., 1817, to Jan. 1833.	Totals.
	£.	£.	£.
Grants to Charitable and Literary Institutions	1,995,128	2,230,622	4,225,750
Encouragement of Manufactures and Agriculture . . . -	868,174	472,247	1,340,421
Public Works and employment of Poor	1,535,336	1,536,824	3,072,160
	4,398,638	4,239,693	8,638,331

I must also take the liberty of referring hon. Members to a most important account, marked No. 14, among the papers moved for by me. They will find, in that account, the state of the advances made from the Consolidated Fund, the repayments, and the balance. By this account, it appears that there has been advanced from the Consolidated Fund, for Irish services, no less than 6,953,543*l.*, and that the repayments do not at present exceed 2,804,083*l.* This has been altogether omitted by the learned Member; and, indeed, necessarily overlooked, as it was wholly inconsistent with his argument. All mention of these grants has been conveniently omitted in this debate, when the proceedings of the Imperial Parliament have been made the subject of reproach and animadversion. Let hon. Gentlemen, who anticipate signal advantages to Ireland from the revival of her domestic Legislature compare these acts of the Imperial Parliament with the proceedings of the scrambling Committee before the Union.

I noticed some marks of dissent when I lately alluded to the proceedings of the Board of Public Works in Ireland. At the time the Bill for the Establishment of that Board was passed, we were told, that it would be productive of no public benefit. In spite of this prediction, we granted 500,000*l.* for the purpose of effecting improvements in Ireland. It will, perhaps, be said, this was only a loan. It was only a loan to the individual receiving it; but it was a loan to A, which, when repaid, was lent out to B; and, by the perpetuation of this system, it became a grant to the Irish nation; and, as such, I claim a right to point it out as one of the benefits which Ireland has derived from the Imperial Parliament. It is stated, however, that these loans are encumbered with so many onerous conditions, that they could not be brought into effectual operation. This objection shall be met hereafter, and refuted. Hon. Gentlemen will see, that these sums are granted on a principle which does not exist in England.

With respect to the extension of these public works, I beg to call the attention of the House to the following statement:—

	£.	*s.*	*d.*
Application for grants	39,249	0	8
Application for loans	872,699	4	1
	911,948	4	9

	£.	*s.*	*d.*
There are in operation,—grants,	27,595	11	0
There are in operation,—loans, ...	248,822	3	8
	276,417	14	8

Here, Sir, I again say, that the ante-Union Parliament, that blessed Parliament of 1782, never effected for Ireland such things as these. There are but few individuals in the districts in which these works have been carried on who have not derived great benefits from them; there is scarcely a peasant in those districts who has not obtained employment; there is not a proprietor who has not seen the condition of his estate materially improved; there is not an inhabitant of any class who has not a right to say, "It is to the Imperial Parliament that I should be grateful." One word more, Sir, with respect to the improvement of Crown-lands in Ireland. The Imperial Parliament have, for the first time, undertaken the task of improving the Crown-lands in Ireland. They have undertaken it upon the principle that, being in the condition of landlords, they ought to set an example to the landlords of that country, and to show them how much it is in their power to do, for their own benefit, and that of others. This is important as a matter of principle,—it is important as an experiment,—and it is important as an example. There is a Report on this subject now on the Table of the House. It is not yet in the hands of Members, but it is so satisfactory that I trust they will indulge me whilst I read the following extract:—

> In my last Report, laid before Parliament in the month of June, 1831, I had the pleasure to describe the great improvement which had then taken place in the moral habits and industry of the inhabitants of the mountain country, which is mainly attributable to the opening of these new roads. In the year 1822, the district was the focus of disturbance and bloodshed; in 1831, it presented an example of peace and prosperity; and I have now the gratification to state, that it still maintains the same character, and that each year new enclosures are made, and large tracts of hitherto unprofitable land are brought into a state of cultivation. Previously to the commencement of the roads, in the month of October, 1832, the Crown estate may be said to have been inaccessible to wheel carriages; and, in consequence, no lands were in cultivation beyond what were absolutely necessary to supply the population with potatoes and a small quantity of oats, the chief part of which must have been ground in quernes or hand-mills, there being no mill accessible excepting by back-roads on horses. As might be expected under such circumstances, the land remained nearly in a state of nature, for the farming system of the estate, as well as that of the whole of the surrounding country, did not extend to draining for the improvement of pasture or meadow land. The only difficulty I anticipate as likely to retard the rapid progress of the proposed improvement, is the want of a sufficient number of labourers; for, notwithstanding the great outcry which is made respecting the poverty and destitution of our peasantry from want of employment, I have found that our active operations are confined to about four months and a-half in the year,—namely, to the months of February and April in the spring, and between the 1st of July and the 15th of September in the summer. During the remaining part of the year the peasantry find abundant occupation in agricultural employment, excepting, perhaps, in the month of January; and unless I were to raise the wages above the usual prices of the country, and thereby injure the farmer, I could not force the works excepting at those

periods; and this statement is not made from occurrences which have taken place during the last or preceding year, but from constant experience during the last twelve years, in the counties of Cork, Kerry, Limerick, and Tipperary. Extraordinary, therefore, as, from preconceived notions, it may appear, the only apprehension I entertain of being able to cultivate and otherwise improve a large portion of the Crown lands, is the want of a sufficient number of labourers at the periods most required. I feel this Report has already attained an unusual length; but I cannot conclude a subject in which I feel great interest, without expressing my admiration of the industry and docility of the people who have been employed by me during the last year and a-half, both on the new roads, and on the Crown-land improvements. Not a complaint is made, nor a murmur heard, but all is zeal and anxiety to perform the duty allotted to each.

Well, Sir, here is a case in which the want of a sufficient demand for labour is at once met by the interposition of Government; and all these practical advantages result from Acts of the Imperial Parliament. But the learned Member says, that all this goes for nothing, because the revenue of the Crown-lands in Ireland is remitted to England. He says, that these are only the crumbs that fall from the rich man's table; like Falstaff's tavern bill, he considers it but as one halfpennyworth of bread to an unconscionable quantity of sack. I hope it is needless to inform the learned Member, that the revenue arising from the Crown-lands is, in all respects, during the life-time of the Monarch, the same as the funds which are raised from the Customs or Excise, or any other source of revenue. Whether the money is raised from Crown-lands, or Customs, or Excise, it makes no difference whatever; it is quite the same, whatever may be the source from whence it arises. Let us inquire, whether these remittances are remittances of which Ireland has any reason to complain; and this brings me to, I am sorry to say, a somewhat complicated, but, at the same time, a very important, part of the question, in reply to arguments on which the learned Member mainly relies,—I mean the proportions contributed by the two islands. His argument was, that the burthen of contributing two-seventeenths was unjustly fixed at the time of the Union. He asserted, that Ireland had been made bankrupt by that unjust stipulation; and, therefore, said the learned Member, "I call upon you, if not to repeal the Union, at least to revise it." I am sure it would scarcely be believed by any Gentleman who heard that statement, that the bargain with respect to the two-seventeenths, whether it had been originally right or wrong, had, since 1817, ceased altogether to exist, and can now be spoken of but as a matter of history; and, further, that the variation made from that bargain in 1817, has been a variation wholly for the benefit of Ireland. This I pledge myself to prove. Hon. Members will see the importance of the point. If that bargain has been abandoned, and a new arrangement made for the benefit of Ireland,—if, as I have already said, the proportions fixed at the Union have been repealed, then there is no part of the reasoning of the learned Member, with respect to the two-seventeenths, which is applicable to the question, unless it can be shewn that Ireland suffered during the continuance of the system. This is a very important branch of the subject; it is one which I wish to be distinctly understood, as I am most anxious to prevent any misapprehension or mistake. I have perused the statement made by the learned Member with respect to the consolidation of the Exchequers, in a most distinct manner, and contained in a speech revised and corrected by himself:—'According to the Treaty of Union, 'Ireland had to pay only 67,000,000*l.* of 'debt. In 1817, however, the Imperial 'Parliament passed an Act which repealed the protection that Ireland had 'derived from the articles of Union, and 'all the land and industry of Ireland was 'mortgaged for the payment of the 'national debt.' Sir, this is the statement of the learned Member; and this statement he repeated in very nearly the same terms last night. He argued, that the effect of the consolidation of the Exchequers, in 1817, was to repeal the protection Ireland had received from the Treaty of Union, and to mortgage the whole territory for the payment of the national debt.

Mr. *Ruthven:* Hear! hear!

Mr. *Spring Rice:* The hon. Member assents on behalf of his absent colleague. I shall state how the fact really stands, in order to enable the House to judge how far this mortgage had been created in 1817, or injustice done. If I have not the advantage of having the learned Member present, at least I can address myself, in his absence, to his friend and colleague. As we are at issue on this important fact, I desire that you, the Jury appointed to judge between us, should understand the issue you are about to try, and respecting which I put myself upon the country, and claim your verdict. The question is, whether the Imperial Parliament passed an Act, in 1817, which repealed any protection which Ireland had derived from the Articles of Union, and encumbered Ireland with an additional weight of debt. You are to decide, whether that statement be true or false, —whether the Imperial Parliament is guilty or not guilty,—whether all the land and industry of Ireland is now mortgaged for the payment of the national debt. Although the figures are rather complicated, I think I can put the point in a tolerably clear manner. Let us see what was the condition of Ireland in the years 1801 and 1817. In 1801—in those prosperous times of Irish independence—the income of Ireland was 2,645,736*l.*, and her expenditure 6,853,582*l.*; leaving a deficiency of 4,207,846*l.* excluding all sums paid in redemption of debt. The actual deficiency thus amounted to very nearly double the whole amount of her revenue. It is curious that the deficiency, which in the year 1801 amounted to nearly double the amount of her income, was not, in 1817, quite equal to the income. This, however, is not the point we now have to try; however it may contradict another argument of the learned Member.

We are called on to examine into the effects of the Act of 1817, and those fatal consequences alleged to have ensued from its enactment. When the consolidation of the Exchequers took place, Ireland was bound to pay 3,002,911*l.* for the interest of her debt in England, and 1,086,103*l.* for the interest of her debt in Ireland. But the following account will explain this matter more clearly :—

Interest and Management of Irish Debt paid from the Revenue of Ireland.

		Payable in Great Britain.	Payable in Ireland.
In the year ending		£.	£.
5th January . .	1815	2,328,802	1,131,644
Before the consolidation . .	1816	2,621,814	1,088,009
	1817	3,002,911	1,086,403
		7,953,527	3,305,756

After the consolidation . .	1818 . . .	1,003,600
	1819 . . .	643,572
	1820 . . .	1,026,650
		2,673,822

In first period . . .	11,259,283
In second period . .	2,673,822
The difference borne by England, in consequence of the consolidation.	8,585,461

Now, will the House believe it possible that the Act of 1817, designated as an act of gross injustice towards Ireland, had the effect of at once relieving Ireland from the charge of the debt payable in England, and amounting, in 1817, to 3,000,000*l.*—in other words, that in place of paying two sums of 1,000,000*l.* in Ireland, and 3,000,000*l.* in England—I take them in round numbers—she was called on, after the passing of that Bill, to pay a sum of 1,000,000*l.* only, being less than the charge of her debt at the Union. Sir, this was the first effect of that Act.

Mr. *Sheil.*—I rather think——

Mr. *Spring Rice.*—The hon. and learned Gentleman may think otherwise. If the hon. and learned Gentleman, however, will have the kindness not to interfere with my figures of arithmetic, I promise to leave him in undisturbed possession of his figures of speech. I shall be very happy, however, to place these calculations in his hands, if he thinks he shall be able to detect any error in them. I repeat it, that prior to 1817, Ireland had to pay the interest of the entire debt contracted in both countries; she was afterwards relieved from this obligation, and no more than the surplus of income over expenditure became applicable to the interest of debt. It is perfectly true, that by this arrangement, all the revenue and all the expenditure became one joint amount; but the effect of this Act has been to burthen Great Britain, and to exonerate Ireland.

I am really afraid of wearying the House, but in order that the hon. and learned Gentleman (Mr. Sheil) may understand my statement, I shall explain it again. I am very much surprised, that the hon. and learned Gentleman finds any difficulty in following my statement. I am sure, that it can only arise from a want of clearness in my enunciation. To render it more intelligible, I shall put the point in another way. Of course, the removal of the charge for the English debt, from the Exchequer of Ireland, must alter the balances of the annual accounts. The result is as follows ;—

Year 1814.

Income.		Expenditure.	
Income	£5,287,581	Expenditure	£7,922,348
From the British Exchequer	117,194	Remitted to England	2,466,545
	£5,404,775		
Deficiency of Income	4,984,118		
	£10,388,893		£10,388,893

Year 1815.

Income	£5,467,942	Expenditure	7,819,558
From the British Exchequer	98,249	Remitted to England	6,107,986
	£5,566,191		
Deficiency of Income	8,361,353		
	£13,927,544		£13,927,544

Year 1816.

Income	£4,394,630	Expenditure	£7,677,649
From the British Exchequer	166,722	Remitted to England	1,184,009
	£4,561,352		
Deficiency of Income	4,300,306		
	£8,861,658		£8,861,658

Year 1817.

Income	£4,384,816	Expenditure	£4,180,364
From the British Exchequer	216,923	Remitted to British Exchequer	25,768
			£4,206,132
		Surplus	395,607
	£4,601,739		£4,601,739

Year 1818.

Income	£4,577,286	Expenditure	3,278,164
		Surplus	1,299,122
			£4,577,286

Year 1819.

Income	£4,250,980	Expenditure	£3,565,193
		Surplus	685,787
			£4,250,980

Had not this consolidation taken place, Ireland must either have increased her taxation, or have borrowed money to pay the interest of her debt; and the effect would have been to add the loans borrowed during these years to the amount of the Irish debt. If there be any argument derivable from the amount of the Irish debt at all, the consolidation of the Exchequers diminishes the force of that argument in the proportion that it checked the accumulation of the Irish debt. But I have omitted to notice the amount of the debt which was so transferred to Great Britain in 1817. The gross amount was 103,032,750*l.*, redeemed and unredeemed, or 83,944,904*l.* unredeemed. Hon. Gentlemen will see, by the Paper marked 1819, how the account stands. Now, let us see what would have been the effect, if the Exchequer had continued distinct till 1820? The effect would have been to have created an additional charge upon Ireland of 13,092,399*l.* sterling. It would have been necessary for Ireland to have raised or borrowed that sum, in addition to her current income; and she must necessarily have added, in a proportionate degree, to the amount of the burthens imposed upon her. From 1817 to the present time, there is an end to the question of joint and separate expenditure; from that time to the present, there is an end to the question of the proportion of two-seventeenths. England made herself responsible for the Irish debt; and Ireland, as a separate State, was freed from that obligation. It is quite true, that the taxation and revenue of Ireland are subject to the payment of the interest of the debt; but let it be remembered, so are the land and national resources of Great Britain likewise. Does it not make some very considerable difference, that we should be embarked in the same boat with a comrade stronger and more able than ourselves? The interest is now charged on the joint security of the two countries. What was formerly the separate debt of Ireland is now made the joint debt of the whole country. This was effected in 1817; and the result was a lessening of charge, in three years, of 13,092,399*l.* Yet this arrangement is brought forward as a grievance at this moment. Why, the allegation is totally untenable and preposterous. The fact, therefore, is, that the consolidation in 1817, sweeps aside all calculations in respect to the proportion of two-seventeenths. Granting that there had been any inequality or injustice towards Ireland in the Union proportions, the transfer of the debt for which Great Britain made herself jointly responsible in 1817, is alone much more than a sufficient counterpoise to any want of equality in 1800, even supposing that want of equality to be proved. On these grounds, therefore, I wish Gentlemen to consider, whether the arguments, with respect to the two-seventeenths, are, after the consolidation of the Exchequers, in the slightest degree applicable? The consolidation of the debt, and the application of the whole resources of the country as a security for the interest, have completely set these objections at rest. I regret to be compelled to trespass on the attention of the House at so unseasonable a length. I can assure them I do so most reluctantly; but this is a question of no common importance, and points which I might, out of deference to the House omit, might be represented elsewhere as points on which the argument of the learned Mover could not be refuted. On these grounds, therefore, I trust the House will continue to me its indulgence.

The next subject to which I beg to invite the attention of Members, is the state of the trade and navigation of Ireland. There have been insinuations thrown out relative to documents manufactured to suit the purposes of my argument: I can assure you that I should disdain to profit by any such miserable unfairness. But suspicion itself cannot object to the paper I now hold in my hand. No one can venture to suggest, that it is manufactured for the occasion. The paper which I now hold in my hand was given me by my right hon. friend, Sir John Newport, and was printed in the year 1816, and it really brings this question, of the effect of the Union on trade and commerce, to a very distinct issue.

Trade and Navigation of Ireland.

The total amount of official value of the Exports of Ireland, for fourteen years immediately preceding the Union, was	£64,861,000
For the fourteen years subsequent	80,316,000
Increase in the last fourteen years	15,455,000
The total value of Imports, in the first period, was	59,623,000
In the latter period	92,971,000
Increase in the last fourteen years	33,348,000
The number of ships which entered inwards in the fourteen years, including their repeated voyages:	
To 1800, was	102,600
To 1815, was	125,000
Increase	22,400
Their tonnage was, viz.,	
Fourteen years to 1800 ...	8,960,082
Ditto to 1815	11,579,558
Increase	2,619,476

But it may be repeated—"Oh! these Returns of exports prove nothing, or less than nothing." Why, Sir, was there ever such a doctrine as this? Do not the exports of a country show that a given quantity of labour is employed in producing those exports; and must not that labour have been remunerated? Is there a single branch of trade, or is there a single article of produce, that does not represent a given quantity of labour? Then the exports must be indicative of the employment of Irish labour, and the payment of a given amount of wages: but are they not indicative of something more also? Must not these articles be paid for? They must be bought; they are not given away. They must, therefore, indicate consumption of those articles for which they were exchanged. The learned Member's proofs of poverty and its effects, are really most peculiar. He first assumes, that a country has an increasing surplus produce, and therefore is poor; next, that by reason of its poverty, it parts with its surplus produce without receiving an equivalent. This must be his argument, because if we Irish receive back—as of course we must do—something in exchange for the goods which we export, we receive back what is yet more valuable to us, or what we stand more in need of than what we export; and yet our increased exports are stated as evidence of our poverty.

But let us go further:—the total value of the imports into Ireland, in the first period to which I have already referred, was 59,000,000*l.*; in the latter, it was 92,000,000*l.*: showing an increase of 33,000,000*l.* Now, whatever may be said of the poverty of the Irish people, as displayed in the exportation of large quantities of goods without equivalent, as is assumed, I think this argument cannot be applied to the import trade. I hope I shall not be told, that it is possible to argue this part of the question fairly without referring to official documents. I beg to ask those Gentlemen who, in their great kindness, have expressed their horror of figures, and their objection to the course I am compelled to pursue, if I am excluded from adverting to the amount of the exports and of the imports—if I am excluded likewise from considering the number of ships, and the tonnage of those ships—upon what principle is it possible for me, or any one else, to argue upon the trade and navigation of Ireland? Perhaps, also, if after collecting the statements which are before the House, I did not refer to them, those very hon. Gentlemen who quarrel with my statistics might turn round upon me, and assert, that I was without facts to illustrate or to prove my case. It may, however, be fairly objected, that the statements I have as yet referred to bring me no further than to 1815; and it may be imagined, that the progress of trade in Ireland has not been so favourable since that period. As a very important argument might be raised upon this assumption, I beg to refer the House to the account marked No. 9, which brings the commercial statements as far as the official records enable them to be carried, namely, to 1826. It is a statement of the average amount of the exports and imports of Ireland for triennial periods terminating in that year. From this account, it appears, that the annual average value of the imports is as follows:—

A Statement, showing the Annual Average amount of the Imports and Exports of Ireland, for the Triennial periods terminating on 5th January, 1790, 1800, 1810, 1820, 1826, and 1830; and the Biennial periods terminating on 5th January 1832 and 1834 respectively; distinguishing the trade of Great Britain from the trade with Foreign parts.

	Annual Average Amount of the Imports into Ireland.		Annual Average Amount of the Exports from Ireland.	
PERIODS.	From Foreign Parts.	TOTAL.	To Foreign Parts	TOTAL.
Three Years ended	£	£	£	£
25th March 1790 ..	..	3,535,588	..	4,125,333
.. 1800 ..	..	4,299,493	..	4,015,976
5th January 1810 ..	..	6,535,068	..	5,270,471
.. 1820 ..	..	6,008,273	..	6,291,725
.. 1826 ..	..	7,491,890	..	8,454,918
.. 1830 ..	1,573,545	..	839,014	..
Two Years ended				
5th January 1832 ..	1,491,036	..	635,909	..
.. 1834 ..	1,386,045	..	410,715	..

In the absence of Custom-house documents, which are incomplete since 1826, I am driven to the returns of ships and tonnage, as the best evidence of the state of trade, and I shall, therefore, proceed to show what have been the numbers and tonnage of the vessels which have entered the ports of Ireland during the several periods already referred to. I wish hon. Gentlemen to be aware that, in consequence of the assimilation of the Custom-house laws of England and Ireland, and the unrestrained intercourse of the cross-channel trade, we have no longer the means of recording the amount of the trade between the two countries. I regret that such should have been the result of a change otherwise highly beneficial; and if it should be possible, without commercial inconvenience, to restore the former practice so far as to preserve a record of the British and Irish trade, I trust that the Government may take the subject into their favourable consideration, for I scarcely think I should be now called upon to argue this question, if I possessed the means of exhibiting truly the commercial statistics of Ireland, and thus proving to demonstration what has been her progress in wealth. The measure of 1825, however, was certainly most useful to both countries; but it has deprived us of the most valuable information as regarding the commercial improvement of the country. But though we have lost one criterion of the state of Irish trade, we still have preserved the amount of tonnage on which we can reason, and this gives us the next best standard to refer to. The account which I hold in my hand states the number of vessels entered into the ports of Ireland, including repeated voyages; though it does not inform us how frequently the same ships may have entered. But for my purpose, this is immaterial; the number of vessels might be of importance, if I were arguing this as a shipping question; because, in that light, repeated voyages, by a single vessel, differ materially from a series of voyages by different vessels; yet, as a matter of commerce, it is unimportant whether one vessel makes ten voyages, or ten vessels make one voyage each.

A STATEMENT, showing the Annual Average number and tonnage of vessels entered inwards, in the ports of Ireland, in the Triennial periods terminating on 5th January, 1790, 1800, 1810, 1820, 1830, and 1834 respectively; distinguishing the trade with Great Britain from the trade with Foreign parts.

TRIENNIAL PERIODS terminating on	ANNUAL AVERAGE NUMBER AND TONNAGE OF VESSELS ENTERED INWARDS.					
	From Great Britain.		From Foreign Parts.		From all Parts.	
	Number.	Tonnage.	Number.	Tonnage.	Number.	Tonnage.
5th Jan. 1790	The entries Inwards from Great Britain and from Foreign parts are not distinguished in the records of this period.				7,243	622,013
,, 1800	6,523	544,723	686	97,754	7,209	642,477
,, 1810*	7,744	674,425	653	90,233	8,397	764,658
,, 1820	10,018	823,307	937	138,577	10,955	961,884
,, 1830	12,329	1,158,937	1,008	166,142	13,337	1,325,079
,, 1834	14,245	1,348,999	944	174,292	15,189	1,523,291

* This is an average for two years only—namely, 1808 and 1809, the books for the year 1807 being defective.

From this statement, it appears that the number of vessels have increased from 7,243, in 1790, to 15,189, in 1834; and the tonnage from 622,013, to 1,523,291. But there is one point in this table to which I wish most particularly to invite the attention of the Members of this House, and above all the attention of those hon. Members who are favourable to the Repeal of the Union. Let us observe at what period this increase has taken place. During the years before the Union included in this return—that is, in the Triennial periods ending in 1790 and 1800—no increase took place in the number of ships; but, on the contrary, a slight diminution —namely, from 7,243 to 7,209, though in the tonnage there was a trifling increase—namely, from 622,013 to 642,477; whereas, since the Union the shipping has regularly augmented, and that in a rapidly increasing ratio. Therefore, with regard to ships and tonnage, taking the year 1790 as our point of departure, the whole increase under the authority of the Irish Parliament was as an evanescent quantity, while that which has taken place under the authority of the Imperial Parliament has been great beyond all parallel.

I must here advert to a fallacy in a part of the learned Member's statement, which I am bound to confute, because it seemed to be well calculated to produce a delusive impression on the public mind:—'I can 'prove to you (said he) the injury which 'the Union has inflicted on Ireland, by 'showing that before the Union the con'sumption of that country with respect to 'particular articles was as 40 per cent, 'and that of England was but as 20 per 'cent, and that since the Union the con'sumption of Ireland has been only 20 per 'cent, while the consumption of England 'has increased to 40 per cent. Therefore 'the difference between the two propor'tions (continued the learned Member) 'shows the diminution of wealth in Ire'land since the Union.'

Now, this is a most sophistical mode of reasoning the case, and I undertake to prove that it contains within itself the grossest of all fallacies. It may, to a certain extent, be just to compare the consumption of Ireland, at one period with its consumption at another; but to make a per-centage average of the consumption of one country as compared with that of another, can lead to no useful result whatever. It practically proves nothing. Allow me to put a simple case, to illustrate my principle. Let me suppose that one community consumes, in a given year ten quarters of wheat, and another community 1,000 quarters during the same period, and that in the following year the consumption of the first community increases to twenty quarters, and that of the second community to 1,500;—what is the result of these proportions? In one community the consumption has increased to 100 per cent, and in the other, only 50 per cent, though in the latter case no less than 500 quarters of wheat has been added to the consumption, while in the first an addition of only ten quarters has taken place. Is it not plain, then, that the relative proportions, as ascertained by per-centages, proves but little in reference to the state of those countries? But, dismissing this example, a more agreeable illustration is suggested by the hour to which the present discussion has, unfortunately, been protracted. I take, as an example, the consumption of wine. Suppose that one community consumes a single hogshead of wine, and that another community consumes 10,000 hogsheads; and that in the following year the first community has increased its consumption from one to two hogsheads, and the second community has increased its consumption to 15,000. In the former case the consumption is augmented in the ratio of 100 per cent, while in the latter it is only augmented in the ratio of 50 per cent. Yet it cannot be seriously doubted but that the addition of 5,000 hogsheads to the consumption of a community is a greater indication of wealth and prosperity than the addition of a single hogshead. If I have been enabled to make myself intelligible on this subject, the learned Member is put out of court as far as relates to his doctrine of ratios of consumption. The House will observe, in such an argument, everything depends on the point of departure, upon which the applicability of this reasoning exclusively depends.

On the subject of trade and navigation, hon. Gentlemen will recollect, that in the Report of 1830, to which so much reference has been made, it is stated, on the authority of Sir Charles Whitworth, that the total value of the exports of Ireland to Great Britain, for a period of seven years, from 1723 to 1729, amounted 2,307,722*l.* What will hon. Gentlemen think when they learn that the value of the export trade of Ireland with the port of Liverpool alone, as appears from documents in my possession, amounted in 1831 to 4,497,708*l.*, in 1832 to 4,581,313*l.*, and in 1833 to the enormous sum of 7,456,602*l.* The trade of 1833 is estimated at prices below the market value, and there are various articles of import wholly omitted. If these were all included, and the amount thus rectified, the total value of Irish imports into Liverpool will be probably found to exceed 8,000,000*l.* If we refer to the earlier tables before me, I find, that the present value of the trade with Liverpool exceeds that of the total exports of Ireland in 1820 by 1,700,000*l.*; that it exceeds the exports of 1810 by 2,700,000*l.*; and that it exceeds the exports of 1800 and 1790 by nearly 4,000,000*l.* And this, I may be told, is a proof of the increasing poverty of Ireland! It has been already stated, I am aware, and it will probably be repeated by the advocates for repeal, that the amount of exports and imports is no test of the nation's prosperity; and yet, with singular inconsistency, if in any imported article, such as tea or sugar, they can by any means show a decrease, they triumphantly point to the fact, as a proof of the decay and ruin of Ireland. Truly mine is a most unfortunate country! Whether the amount of imports or exports increase, or whether they diminish, the one alternative or the other is a proof of her misery in the eyes of the advocates of Repeal. They are determined that, under all circumstances, Ireland shall and must be poor. In argument, they make poverty their divinity, and they worship her with zealous devotion. I may be asked, how has this increase of commerce arisen? We owe much to the wise system of legislation adopted in late years; but the increase of our trade has doubtless been also accelerated by the extraordinary effects of the agency of steam-navigation between the two countries. In the mighty element of steam, acting in the production of wealth on both sides of the Channel, there resides a power which, perhaps, as much as any interference of ours, must ultimately silence the senseless cry of Repeal. It will do so, by bringing the two countries more immediately into contact, by making the inhabitants better known to each other, and inducing the English capitalists to adventure in Ireland, and giving greater facilities to Irish enterprise. But one of the most important results which will be thus effected by steam-navigation, will be the approximation of the markets, and the connexion formed between individuals belonging to both countries, by the ties of their mutual wants and interests. It is even now the case, that certain articles of manufacture, after having undergone one process in Lancashire, are exported to Belfast; in that town they pass through another stage in the process, and are finally returned to Manchester for completion and sale. It is to operations like this that I refer with confidence as proofs, as well as causes, of the connexion of interests between the two islands. But, Sir, the hon. member for the county of Cork has made some observations elsewhere, which induce me to call his particular attention to a paper which I now hold in my hand. I allude to the observations of the hon. Gentleman only so far as they were intended to contain statements of fact. That hon. Gentleman stated, with reference to a former argument of mine on this question, that it was easy to talk of Irish prosperity; but if I looked to my own port of Limerick (for the interest and prosperity of which I shall never cease to feel the deepest interest), I should there find commerce in decay, and the grass actually growing in the Custom-house yard. Now, it is a most gratifying circumstance for me to have it in my power to relieve the hon. Member's mind from all alarms on this subject. He will be glad to hear, that the advance which has taken place in the shipping of that port is very considerable, as will appear from the account now before me, which I will read to the House.

An Account of the Number and Registered Tonnage of Vessels cleared at the Port of Limerick.

Year ended Sept. 1.	Vessels.	Tonnage.
1820	332	35,769
1821	367	43,363
1822	285	29,876
1823	284	30,807
1824	306	33,595
1825	364	41,871
1826	305	39,793
1827	294	39,375
1828	462	58,242
1829	334	42,591
1830	376	48,337
1831	458	55,254
1832	505	66,232
1833	500	65,761

I should take the liberty of recommending, before it is again said that grass is growing on the quays of Limerick, that our orators should visit the Custom-house and the Chamber of Commerce, and consult the records of both establishments, and perhaps they might hesitate in making an assertion, to which the facts of the case would give an immediate refutation. I might offer to the hon. Gentleman a more precise account of the trade of Limerick, but that I am afraid of wearying the House by these dry details. Nevertheless, I trust the House will pardon me. The accounts of other ports lead to the same results, and to the conviction I have in my mind, that the trade of Ireland is advancing rapidly, and will continue to advance, if the Gentlemen opposite will only allow us to enjoy a little tranquillity and peace. There is quite a modern branch of trade risen up in Ireland —I mean the exportation of Dublin porter. I am not a proprietor in the brewery, and, in praising the beverage, which I consider most excellent, I cannot be considered to be actuated by interested motives. But, it is a curious fact, that, a few years ago, Ireland was an importing country of porter, while, at the present moment, a very considerable export trade is growing up in Dublin. In this point, and, perhaps, in this point only, I fully expect the learned member for Dublin to concur with me. I only venture to entreat hon. Members opposite, who wish to give some activity to the trade of their country, to encourage the fermentation of the vat, rather than the fermentation of politics. By so doing, they may greatly improve our trade and our internal condition; and, if they will but take my advice, I, for one, shall be ready, most heartily, to drink their healths in their own porter. To return to the trade of Limerick: I have already shown the registered tonnage of vessels cleared at that port, and I will now read the following table, giving an account of the number and registered tonnage of vessels cleared at the creeks annexed to this port, in each of the four years ending the 1st of September, 1833:—

Creeks.	1830.		1831.		1832.		1833.	
	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.	Vessels.	Tons.
Tralee	85	7,232	89	8,178	102	8,603	112	9,402
Clare	24	2,635	33	3,512	57	6,358	43	4,574
Kilrush	33	2,863	25	2,294	28	2,631	40	4,125

These may be thought small matters, but they serve to indicate the progress of commercial intercourse in places where it was not hitherto found; they show the progress of trade in the more remote ports,—a consideration, in some respects, of even greater importance than the condition of trade in the larger cities. A similar increase of trade will be found to have taken place at Waterford, Belfast, Londonderry, and other ports; but I will not weary the House by going into details with respect to them. It may be asked, how I can account for the many complaints of distress, if it be true that commercial prosperity exists to the extent I have described? I do not pretend to be able to account for all the complaints which are made on this or any other topic, but I do think that I can explain some of them.

In the first place, it ought to be observed, that a complete alteration has been produced in the system of our commercial intercourse, which, like other changes, presses severely on individuals. Before the introduction of steam navigation, merchants carrying on business extensively might be found at the different ports. These gentlemen made large shipments, and either imported goods or received consignments, which they kept in store, and afterwards distributed, by the means of their customers, the retail traders, throughout the country. The introduction of steam-navigation has thrown a serious impediment in the way of this mode of transacting business. Every individual, however small his capital, may now trade for himself. In place of going to his neighbour, or, if he is a large capitalist, to his own store, for 20,000lbs. of any particular article, he is enabled to send to England for 1,000lbs. only; and, when that is expended, he orders a second quantity of 1,000lbs. Undoubtedly, to the more extensive merchant, possessed of large warehouses and greater capital, this change may be productive of some immediate loss, but to the community at large it has been beneficial. It has given an impulse to trade and commerce which exceeds all belief, and, by the competition which it has created, it has produced a great relief to the consumer, whose interests after all ought to be considered as the most entitled to our attention. This accounts for some of the complaints which have been made, making due allowances for the disturbing causes. No individual, looking fairly at the facts, can doubt but that the commerce of Ireland is in a satisfactory state.

The subject which I now approach is a very important one—it is the state of the manufactures of Ireland before and after the Union. You have heard the speech of the learned member for Dublin; but you are also aware, if you have read that which has been circulated through the medium of the press, that no topic has been more strongly pressed upon the consideration of the people of Ireland than the injury which our manufacturers have suffered from the Union, and the extent of relief which the Repeal of the Union would afford. There cannot be an argument more popular than this. It applies itself to the interest of all those who are in work, for it tells them that they may hope for higher wages by the Repeal of the Union; it applies, also, to the interests of those who are out of work, because it tells them that, after the Repeal, they will have a better market for their labour. If this argument is only believed, and the people are made to think that a Repeal of the Union could ensure them full employment, I am not surprised that we should have Petitions presented to this House in favour of Repeal.

But, Sir, I undertake to prove, that the state of manufactures in Ireland is better at the present time, than it was before the Union. I undertake further to prove, that the state of our manufactures is better by reason of the Union; and I undertake, finally, to prove, that the Repeal of the Union would be the death-blow to the extension of our manufacturing industry. First, then, as to the state of the manufactures before the Union. Upon this point, I beg leave to refer hon. Gentlemen to the petitions which, before the Union, were presented to the Irish Parliament. In so doing, I shall rely on the evidence of the parties themselves. Perhaps, it might not be candid on my part to refer to any Petition presented before the year 1779, when the freedom of trade in Ireland was, to a certain extent, established; but, between that year and the period of the Union, the Journals of the Irish House of Commons contain strong evidence of the continued distress of the manufacturers. On the 30th of October, 1781, there was presented a Petition from Cork, representing, that numbers of manufacturers and artificers were then in the utmost distress. On the 6th of December, a similar Petition was presented from Wexford. On the 31st of October, 1783, the broad-cloth manufacturers stated, that the exportation of raw materials, and importation of manufactures, had reduced them to unparalleled distress. On the same day, the Lord Mayor and citizens of Dublin prayed for protection and restrictions, to restore the almost ruined manufactures. In November, 1783, a similar Petition was presented from the working worsted weavers. On the 3rd of November, 1783, Captain Brooke petitioned for a loan of 40,000*l.* to carry on "mixed linen and cotton manufactures," so as to employ a number of the distressed weavers of Dublin; and, on the 28th of the same month, Parliament granted him 25,000*l.*, upon condition of his constantly employing 2,000 manufacturers from Dublin for ten years. On the 3rd of November, 1783, the Guild of Merchants, Dublin, presented a Petition, representing the kingdom as "pregnant with the most alarming circumstances of distress." Similar Petitions from Dublin, Cork, Queen's County, Carrick-on-Suir, and Roscrea, were presented on the same day. On the 18th of November, 1783, the hatters represented their distress as occasioned by the insufficiency of the duty on imports. On the 5th of February, 1787, the woollen manufacturers of Dublin presented a petition, asserting their great distress; and, on the 12th of February, their example was followed by the manufacturers in Cork. On the 15th of February, 1787, the merchants and shopkeepers of Dublin petitioned for the purpose of representing the bad state of trade, and the ruin of Irish manufactures by the sale of smuggled goods at auctions. On the 2nd of March, 1787, John Clare, an auctioneer, of Dublin, stated, in his petition, that the manufacturers were at the mercy of the shopkeepers, whose frequent failures were attended with ruinous consequences. On the 31st of January, 1788, the manufacturers of satinets, camlets, &c., complained that their distress was insupportable, and that more than half of the working manufacturers were reduced, by want of employment, to a degree of wretchedness beyond description. On the 6th of February, 1788, the woollen manufacturers presented a petition, representing the declining state of the trade, and praying for a prohibiting duty on the exportation of materials when dear, and a bounty when below a fixed price: on the same day a similar petition was presented from Cork.

In 1788, the sovereign and inhabitants of Belfast petitioned for the enactment of an additional tax on the exportation of cattle, stating that the curing trade was very much diminished by such exportations. In this prayer for the exclusion of Irish cattle from the markets of England, the people of Belfast adopt the worst system of the worst times of British jealousy, and shew the miserable ignorance and folly that must inevitably belong to separate legislation. Next the woollen manufacturers of Dublin presented a petition attributing great losses to the depravity of the working people. A petition presented from the shoemakers of Dublin (9th of March, 1792), represented that the remuneration for their labour was insufficient, and their branch of trade gone to decay. On the 9th of February, 1793, a petition was presented from the hosiers of Dublin, representing their trade as rapidly on the decline, there being no water-force machinery in Ireland for spinning cotton, and cotton being liable to an import duty. The next petition (25th of February, 1793), was from the parish of St. Luke, Dublin, stating that their labour, as manufacturers, afforded them a very scanty subsistence, and that, within the preceding twenty years, the parish had declined considerably in value. In the year 1793, petitions were presented by the Irish manufacturers of cotton and woollen fabrics, stating their inability any longer to give employment to the working people, of whom 15,000 were in wretchedness. On the 6th of May, 1793, the merchants of Dublin met, in consequence of the embarrassment of trade, and the report of the committee to whom their resolutions were referred, states, that the cotton-trade was in danger of being totally ruined, and that linen had fallen nearly thirty per cent in value. On the 18th of June, 1793, a petition from the worsted weavers of Dublin stated, that they were reduced to penury and famine; that, in this branch of trade, 2,000 looms had been employed in 1789, but that they had been diminished to less than one-fourth, and that the materials had fallen in price twenty per cent. On the 21st of June, 1793, the working silk-manufacturers of Dublin presented a petition, stating that silk-weaving was nearly annihilated; that, in 1791, 1,200 looms, and several thousand persons, were employed in silk-weaving in Dublin, nine-tenths of whom had been subsequently reduced to penury. On the 5th of February, 1796, there was a petition from certain book-printers of Dublin, stating that the publishing trade had been nearly extinguished by the import duties charged on paper. On the 13th of February, 1797, the cotton manufacturers of Dublin petitioned for an increase of the duty on imported grey cottons, stating that many persons employed in such manufactures were then reduced to beggary. On the 21st of February, 1797, a petition was presented from the tanners of Dublin, representing the great stagnation of their trade, and their inability to purchase in 1795, within 10,000 of the number of hides bought in 1794. In the same year, 1797, as a specimen of the utmost extent of absurdity, there was presented to Parliament a Petition from the builders, praying to be heard against a Building Act for the protection of houses from fire; a petition which could only have been defensible, on the supposition that the petitioners had a vested interest in the conflagrations which might destroy their neighbours' houses. Now, I entertain no doubt, but that some of these Dublin builders, or their worthy descendants, are petitioners for Repeal; and I do not think that their principle, in 1797, was one whit more unreasonable when they claimed an interest in the destruction of their neighbours' houses by fire, than it is at present, when they recommend the sacrifice of their country's interests by Repeal. Of this I am satisfied, that the Repeal of the Union would inflict a greater injury both upon Great Britain and Ireland, than would be the result of the burning of this great metropolis itself.

Should we not inquire what was the conduct of the Irish Parliament while it existed in relation to manufactures? All its Acts showed that its Members were influenced by principles the most illiberal and the most unwise. For instance, duties were placed on cotton, woollen, and worsted yarns; and there was actually a duty levied in Ireland on coal—a country which depended for its effectual supply of coal upon England. This was done for the sake of giving protection to some few and insignificant Irish collieries. I doubt not that if the Union had not taken place, there might have been additional duties imposed on British coal in order to give some additional value to that domestic production—turf. In short, Sir, this narrow and selfish system of policy influenced the proceedings of Ireland as well as of Great Britain. The demand for protection would be loud, the war of protecting duties would be perpetual, and the interests of the public would be sacrificed. The House will recollect the point made by the learned Member relative to this branch of the subject. He said—' Among those duties for ' the abolition of which you take credit, ' you include the Union or protective ' duties; but those duties were for the ' benefit of Ireland. You repealed them; ' and there was not a manufacturer in ' England who did not rejoice at the re- ' peal; but it was the destruction of the ' manufactures of my country.'

Where did the learned Member obtain his information? Never was there a greater mistake, both in reasoning and in fact, than is contained in his proposition. What was the effect of protective duties? Was it not to raise the home price artificially to the extent of that protection? The price being thus raised artificially, the Irish merchants were necessarily confined to the markets of their own country, even if retaliatory duties had not been imposed, and they became of course the greatest sufferers by the very protection they asked for. But this point shall not stand upon any abstract reasoning. I have it in my power to refer to the more practical authority of a memorial on this subject, presented to the Treasury by the merchants, manufacturers, and traders of Dublin themselves. These protective duties had, after 1820, been intended gradually to decrease, and a period was appointed, when their final extinction was fixed. The effect of the first partial reduction was so eminently beneficial to the trade of Ireland, that the merchants of Ireland themselves applied for the immediate repeal of the whole of these duties, falsely called protecting. I beg the attention of the House, while I read a part of the memorial. The memorialists state—' That a very consider- ' able improvement has taken place in the ' trade of Ireland, since the cessation of ' part of the Union duties, and a great in- ' crease of employment has been thereby ' afforded to the working classes, especially ' in the manufacture of calicoes, and other ' descriptions of cotton goods; at the same ' time memorialists are not aware that, in ' any branch of manufacture, the workmen ' engaged therein have been even partially ' thrown out of employment. With the ' test of experience and a complete change ' of public opinion in favour of such a ' measure, your memorialists respectfully ' pray your Lordships to take into consider- ' ation the expediency of recommending ' the legislature in the ensuing Session to ' repeal the remnant of the Union duties, ' and thereby afford to your Lordships ' a greater facility of placing the inter- ' course between the two countries com- ' pletely on the footing of a coasting ' trade.'

Is not that an answer to the learned Member, and does it not prove that the repeal of these duties took place at the instance of Irish merchants themselves, and for their benefit? but the argument of the learned Member is not used without design, or inadvertently. It enables him to say, as he has said, to the manufacturers of Ireland—" Join me in obtaining the repeal of the Union, and an Irish Parliament will restore to you those protecting duties of which you have been deprived by the Legislature of the United Kingdom." Must not such invitation and engagement hold out a strong temptation to these manufacturers? Does it not offer a bounty on repealers? But the learned Member has said in Ireland that he is prepared to consent to the enactment of protecting duties for Ireland to the amount of twenty-five per cent. He has made such a statement in Ireland most distinctly, and I now repeat his statement for the information of England, and for the information of those Members of this House who have manufacturing constituencies to protect. It is right that the English people should understand, that one of the first propositions which the learned Member would consider it to be his duty to submit to an Irish Parliament, would be the imposition of protecting duties against England to the extent of twenty-five per cent. In this House it may not suit his purpose to make this statement; on the contrary, what has been his argument? Here, it is stated that Ireland is a country producing corn and requiring manufactures; while England is a country producing manufactures and requiring corn, and therefore that it would be most useful and advantageous that a free and liberal intercourse should take place. But in Ireland this is not the doctrine; there our export of corn is spoken of as a proof of agricultural distress, and a protecting duty of twenty-five per cent is promised for the encouragement of domestic manufactures. In the one case freedom of trade is pointed to as secured and perpetuated by the success of this Motion; in the other, the restriction of trade is advocated for the sake of local interests. If by the statement of the learned member for Dublin, it is good for Ireland to export corn, and good for England to receive it, what becomes of the assertion of the hon. member for Cork—that the export of Irish corn is the evidence and the cause of poverty in Ireland? If he believes, in common with the mover of this proposition, that the effect of a Repeal of the Union would be to increase and to perpetuate the export of our raw produce, he is bound to vote against that repeal; or if he still persists in supporting repeal, he must admit, that the export of our corn and other commodities is advantageous to Ireland. He must either abandon his friend, the mover, or he must abandon his argument. I have stated that this is a most important part of the question; it is, indeed, second to none; and I therefore wish most earnestly to fix the attention of the House upon it.

The learned Member stated, amongst other objections to the Union, that it had not been preceded by any deliberate inquiry. The learned Member is in error on that score; there was a deliberate inquiry in the Committee of the whole House; and there was also an examination of witnesses on the subject of manufactures, and the state of the manufacturers. What is stated by Mr. Pim?—'The Irish manufacturer 'could not exist without a high protecting 'duty. The existing duties on calicoes 'and muslins are prohibitory. He views 'the manufacture as regards the manufacturer only, and not the consumer. Does 'not see what the consumer has to say to 'the question.'

Another Gentleman (Mr. Orr) states—'Existing duties are near fifty per cent *ad valorem.* Every wise Legislature will 'secure that their own market shall be exclusively supplied by their own manufacturer. No Irish manufacturer would be 'able to send his manufacture to England.'

Mr. Geohagan—'Considers the superintendence of a resident parliament necessary for the protection of the silk-trade in 'Ireland.'

It is curious that the only superintendence which the Irish Parliament ever gave to that trade was through a commission of a certain number of highly respectable gentlemen, some of them barristers, clergy, bishops, and judges, who were Members of the Dublin Society. These grave and reverend seigniors were required to make regulations and to fix the rate of wages between the employers and the employed. Such was the enlightened superintendence to be exercised by a domestic legislature! In reference to the destruction of the sugar-refinery trade much has been said. Mr. Crosthwaite states, that at that time there were—'Twenty sugar-houses in Ireland; 'ten or twelve men constantly employed 'in each: about seven or eight West 'Indian ships.' To call for protection for these twenty sugar-houses, to keep up the protecting duty on sugar, which is a tax levied on the whole country, is not quite justifiable according to our modern notions of science. But there are the protecting duties, a promise of which the learned Member holds out as a bait, to induce his votaries to join in the cry for repeal.

The next evidence which I shall notice, with respect to the cotton trade before the Union, is worthy of most particular attention; because it is that of a Gentleman of the greatest experience and respectability, who is, I hope, still living. I allude to Mr. Grimshaw, one of the earliest cotton-spinners in Ireland, than whom there could not be found any greater authority on this subject. He states, in 1799, that—'If 'duties were reduced, the manufacture 'would cease. For cotton printing the 'cost is more than forty or fifty per cent 'more than in England. Price of coals 'from 28*s.* to 32*s.* Labour in cotton 'works dearer than in England.'

Will hon. Gentlemen believe, after these statements, that there are now printing works in Belfast, which are employed for Manchester, and that goods are now actually printed in the town of Belfast for the Manchester market—and this is to some extent the result of the removal of those injudicious and absurd protections, which it would be the policy of the repealers and of their domestic Legislature to re-enact.

Mr. Williams stated the case of the glass trade in 1797; and it will be seen whether the falling-off of that branch of industry is attributable to the Union. The witness declared that—'The duty was prohibitory. 'Difference of cost of production was 34*l.* '12*s.* per cent; and that it was wholly out 'of the power of the Irish manufacturer to 'send one item of his manufacture to England.'

Yet, in better times, we have known some exportations of Irish glass to England, and the Irish manufacturer has even ventured to compete with his British rival in the foreign or colonial markets. The evidence which I have read describes the state of manufactures at the time of the Union. Let me now describe their present state, and I shall do so on information which may be perfectly relied on. I hold in my hand a letter from a gentleman of the highest authority in the city of Dublin, giving an account of the state of manufactures there. I shall read his letter, rather than risk any misconception or misrepresentation of its contents, by attempting to convey its import to the House. The letter is as follows:—'The state of our 'manufacturing interest cannot well be described in any general terms. With reference to the calico printers, for example, 'the factory at Stratford, so many years 'carried on by the Orr, and that at Ball's-'bridge, by the Duffeys, are both bankrupt, 'while Mr. Henry's establishment, in the 'same line, at Island-bridge, is in a highly 'prosperous state. It is conducted with 'such enterprise and skill, that its fabrics 'are in great demand in the Scotch and 'English markets, whither they are sent 'in considerable quantities. I have authority for saying that the value of the 'goods consigned by this House to these 'markets during the last year amounted to 'about 90,000*l.*, exclusive of the home demand. (Thus it will be seen that our 'goods are already in the British market.) 'The silk-trade has already exhibited a 'decided improvement.'

This is the trade which Gentlemen are desirous of bringing back, under the control of a domestic Legislature, and of the wisdom and discretion of the Dublin Society. 'The tabinet weavers are now 'fully employed, and the other branches 'are in a better condition than for these 'several years past; a good deal of raw 'silk has been lately sent from England to 'be thrown here and returned.'

This is precisely the state of things, for which I have contended. In this case two branches of the manufacture are carried on in the two different parts of the empire, and each country is therefore made accessory to the prosperity and improvement of the other. My correspondent proceeds—'Of several branches of manufacture that 'were formerly sustained by the artificial, 'and sometimes the fraudulent, advantages 'derived from bounties, drawbacks, and 'protecting duties, some have been destroyed, and others deeply injured by the 'discontinuance of such support. There is 'reason, however, to hope, that some of 'them at least will ultimately recover. 'But if some of our manufactures have 'been prostrated, others have risen in their 'place, and as the latter owe nothing to 'adventitious aids, but chiefly consist in 'the preparation of the staple products of 'the country, they have the best chance of 'stability and permanence. Of these, the 'export trade in porter is perhaps the most 'remarkable—a trade which a short time 'ago was unheard of. A vast exportation 'of Dublin porter is now going on to almost all parts of England, and it is with 'some difficulty that the demand can be 'supplied. Guinness led the way, and has 'been followed by almost all the other 'brewers, Daniel O'Connell and Co. inclusive. It appears from official returns 'that, in the year 1797, the quantity 'of English ale and porter imported into 'Ireland was 67,188 barrels. The annual 'export of porter from Dublin alone now 'nearly equals that quantity, and at the 'present rate of increase will soon greatly 'exceed it. A considerable and increasing 'portion of the Irish wheat exported to 'England is now in the shape of flour. 'Since the repeal of the duties on leather 'a favourable change has taken place in 'the nature of that trade. Raw leather is 'now brought from England, and the 'manufactured article exported thither, 'with every prospect of a considerable extension in this traffic. Formerly all the 'sheet lead, lead pipes, and shot used in 'Ireland came from England; now they 'are manufactured at home. Within these 'few years past, two extensive manufactories of oil of vitriol, bleaching powders, 'Glauber's salts, &c., have been established 'near Dublin. They are in a thriving 'state, and export considerable quantities 'of those articles to England. A factory 'for sail-cloth, flax spinning, &c., has been 'established since the Union, and exports 'largely to England. Nor ought the ironworks upon the Liffey, belonging to Mr. 'Robinson, to be overlooked, where steam-engines, metal machinery of all sorts, 'iron hoops, &c., are fabricated of the best 'description, and on an extensive scale.'

But the most important feature in the extension and improvement is the manufacture of machinery, which has of late years, sprung up in Ireland; affording the best proof that our general manufactures are thriving. The construction of steam-engines and other machinery is now successfully undertaken in Dublin, Belfast, and other places, demonstrating that a demand for these machines is increasing rapidly throughout the country. And, here I must say that, if there be one argument more cogent than another to prove, that until Ireland is allowed some repose, never can her powers of improvement and her natural energies be fairly developed, that argument is to be deduced from the present state of manufacturing industry throughout the world. A country stands in a very different position when her manufactures are carried on by machinery, from that in which she was placed in a simpler state of society. Ireland must inevitably sink as a manufacturing country, unless she employs machinery in competition with all other countries. But unless we have tranquillity —unless we have security for property— unless we have security for life — how can we expect that any reasonable man will be induced to invest his wealth as fixed capital, and expose himself to the enormous risks inseparable from continued political agitation? When manufactures were carried on in a more simple mode, this political agitation, and this insecurity, were not productive of so much inconvenience and danger. The female spinner, or the peasant, with a loom in his cottage, might have consoled themselves in thinking, that this very poverty was a security against attack, and that even if danger approached them, they had not much to lose. The case of the capitalist who is called on to invest many hundred thousand pounds in a cotton or flax mill is very different. He is readily discouraged and in many instances may say: "As long as the trade of agitation is kept up in Ireland—as long as my property is exposed to hazard,—as long as there is a chance of my being denounced if my politics do not concur with those of the popular leaders,— as long as my private life may be disturbed and embittered, I will not and dare not invest my capital." On these grounds, in too many cases, he does not invest it. It is on this account that the position of Ireland is one which renders her liable to peculiar loss and danger from the effects of agitation. It is on this account that Ireland feels so peculiarly the necessity of repose— it is on this account that repose is more necessary than at any other period of her history—it is on this account that there is not a gentleman, who chooses to pursue the course of agitation, who does not incur the awful responsibility of arresting the progress of his country in the career of improvement, and of depriving that very peasantry, whose interests he affects to advocate, and for whose rights he thinks he contends, of their only means of advancing in wealth, civilization, and happiness.

I turn now to another trade — the woollen trade of Dublin—and I find that this and other manufactures have felt the benefit of the repeal of the duties on coals, so long prayed for by Ireland, and so wisely recommended to Parliament by my noble friend, the Chancellor of the Exchequer. I find, in reference to one particular house, that, as I ventured to predict, on good authority, the application of machinery to the manufacture is progressive. I learn, from a respectable correspondent, in reference to former times, that— 'The principal seat of the manufacture of 'woollen cloth in Ireland was in Dublin; 'and its boasted extent and prosperity for 'many years immediately preceding the 'Union, consisted in the employment of about '300 looms and 2,000 individuals, including spinners, weavers, dressers, and all 'others engaged in the manufacture.' This letter comes from a gentleman peculiarly well informed—

Mr. *Henry Grattan*:—Name! Name!

Mr. *Spring Rice*:—The hon. Gentleman asks me to name.—He must excuse me.—I will tell him why I do not choose to name. I am compelled to explain, because, in withholding the name of my correspondent without an explanation, I may hereafter be taunted with having acted upon anonymous authority. I do not choose to name my correspondents, because I do not choose to compromise them, or expose them to virulent attack.

Mr. *Henry Grattan*:—I hope that the right hon. Gentleman does not attribute such intentions to me.

Mr. *Spring Rice*:—I think I know my hon. friend too well for him to suppose that I could attribute anything of the kind to him. But I repeat it, that I will not name my authority, and I repeat, that I am compelled to state the reason why I refuse to do so, or otherwise, I shall be met by a denial of the authority of an anonymous communication. The House should know, that this question of Repeal is discussed with comparative moderation on this side of the water; but a very different tone is taken at the other. Every man who ventures in this House or out of it, to express a free opinion, is denounced. I myself, humble an individual as I am, and anxious as I have ever felt to avoid the occasions of offence, I have been denounced before large bodies in Ireland for my conduct and opinions. I do not complain of this—I rely on my general conduct as a defence; but I must regret when charges are preferred against me, that those charges should not be brought forward in my presence, when I can answer for myself, rather than in my absence, and before an excited audience, who are told that a bad Irishman is the worst of all bad men, and that the individual who has the honour of addressing you, is the worst of all bad Irishmen,—and further, that there has been no chance of favour or justice at the Treasury for any person connected with Ireland, or with Irish interests, since I have had the honour of being a public servant. I mention this, I can assure the House, not by way of complaint, but as illustrative of the reason why I do not name my authority in the present instance. They would be exposed to similar attacks, and to the same misrepresentations. I differ from the hon. Gentlemen opposite, to a very great extent; but I trust that I never shall on that account act unjustly or uncandidly towards them. But when I find it stated, that "the enemies to Repeal stand between the poor and their food, and prevent the naked from being well and comfortably clothed"—when I find it stated that the advocates for what is termed "the degrading and desolating Union," are enemies of Christian charity, as well as of Ireland—when I see it asked "of what materials must the man's head and heart be who shrinks from the restoration of a domestic Parliament," with this significant addition made by the orator, "from this moment I am prepared to deny either patriotism or political honesty to anti-repealers"—when I read further, 'that the Irishman who is against repeal is either weak or wicked to a degree deserving contempt, or dishonest and untrue to a degree deserving execration,"—when all this proceeds, if not from very high, yet from very powerful authority—when I find that designations leading to inferences the most cruel, false, and unjust, are repeatedly added to the names of individuals of the highest honour and respectability, making them objects of popular odium and reproach for their conduct on this question,—hon. Gentlemen must excuse me if I refuse to give up the names of those who have afforded me information. I will not compromise them by permitting any person to hold them up as objects of "execration;" I speak on information the most authentic; and those Gentlemen to whom I have the honour of being known, and the House generally, will not suspect that I have, by any dexterity or unfairness, manufactured this evidence, or that I have condescended to give it an unfair colouring to suit a party purpose. I might adduce much additional evidence to prove how unjustifiable it would be in me to name my authorities; but I think I may rest my argument on the facts stated, not being desirous, under existing circumstances, and in the absence of the learned Mover, to proceed further.

Mr. *Henry Grattan*:—Perhaps the right hon. Gentleman will state the facts which the letters contain, in continuation of what he read respecting the number of those engaged in the woollen manufacture?

Mr. *Spring Rice*:—I am ready to continue my letter—

'However small this number may appear, 'it can be shown to be tolerably correct by 'a knowledge of the quantity of raw materials which was then to be procured. 'English wool was not allowed to us until 'the Union; Spanish had ceased to be 'imported for cloth-making. We had, 'therefore, none to work but Irish wool, 'fit only for the coarser descriptions of 'cloth, and the quantity grown in the 'whole country not exceeding, at the very 'utmost 8,000 bags of fifty stone each, 'or 400,000 stones, for all the woollen, 'worsted, frieze, blanket, and flannel 'manufactures of Ireland. Of this, about 'one-fourth was consumed by the Dublin 'clothiers, the value of which, at 15*s*. per 'stone, which is a high average for the 'time, was only, 75,000*l*.; an amount not 'sufficient for the supply of two moderately-sized Yorkshire factories. Previous 'to the introduction of carding machinery, '(which took place about 1793, and was 'adopted on a very limited scale for some 'years) the manufacturewas at the very lowest ebb, both as to quantity and quality; 'but about the year 1801, machinery worked 'by water power became general, and the 'trade immediately increased; but all attempts at improvement were impeded and 'counteracted.' By what, let me ask?—by the Acts of the Imperial Legislature? No; by that which the Irish Legislature, had it continued to exist, might not have been able to have prevented, and which the Repeal Parliament would not prevent. 'These improvements (states my informant) were impeded and counteracted by 'the combinations of the workmen. I 'must acknowledge that this was assisted 'by the operation of the protecting duties, 'which now appear to me to have been a 'principal cause of the continued low state 'of the woollen trade, and which Mr. 'O'Connell promises the workmen to have 'renewed when the Union is repealed. 'Those duties were truly stated by Sir 'Henry Parnell, in an interview with some 'of the manufacturers, to be a protection 'only to the combination, drunkenness, 'and indolence of the workmen, without 'any benefit to the employers. They enabled the men to establish such a scale of 'prices for their labour, that even in very 'low-priced cloths, on which the duty 'would have been nearly a prohibition, we 'could scarcely compete with the English. 'One branch of workmen (the slubbers), 'were paid at a rate by which they could 'earn 9*s*. or 10*s*. per day, while the same 'kind of work was done in Leeds for 1*l*. 'to 1*l*. 5*s*. per week. The weavers, spinners, &c., were paid nearly in the same 'proportion, and no remonstrance or attempt to reduce those exorbitant wages 'had any effect on the workmen. These 'were the real causes of the woollen manufacture here not keeping pace with the 'English. But the abolition of the Union 'duties gave a new impulse to the trade; it 'forced the workmen to submit to reasonable terms with their employers, who, in 'their turn, now find, that by proper 'exertion, and adopting necessary improvements in machinery, they have nothing 'to fear from English competition; and 'were it not for the generally depressed 'state of trade, arising from the disturbed 'and agitated state of the country, there 'would be more woollen cloth manufactured now in the neighbourhood of 'Dublin, than has been at any time for 'fifty years past. This has been actually 'the case in several years since the duties 'were taken off.'

But we are here always reminded of the woollen trade of Kilkenny. Now, I am prepared to give to the House the official accounts of the state of that business, as laid before the Factory Inspectors. The number of mills worked by water power is eleven. 'The woollen manufacture in 'Kilkenny was always confined to coarse 'cloths and blankets. Up to the year '1806, the manufacture was carried on by 'numerous persons in a very small way, all 'their operations being by manual labour. 'Subsequently water power and spring 'looms were used, and spinning, carding, '&c., is now done by machinery. At present there are but few in the trade; however, I understand there is twice or 'thrice as much manufactured as previous 'to 1806. At the Ormonde mills, some 'very excellent carpets have been made; 'however, as the proprietor has entered 'into a contract with the Government to 'supply all the blankets required by the 'police in Ireland for three years, he must 'relinquish this branch, at least for the 'present.'

Hon. Gentlemen may doubt this statement respecting the trade of Kilkenny; but let me even grant to them that it has decayed. If this be the case, let us consider the cause of that decay, and inquire whether that cause is referable to the Union. The argument which I have to meet is the following:—the woollen trade of Kilkenny is utterly destroyed and annihilated,—this result is attributable to the Union; and therefore the Union is injurious to Kilkenny and to Ireland. The witness whom I call is Dr. Doyle, the Roman Catholic Bishop.

Mr. *T. Wallace* (across the House):—Dr. Doyle is dead.

Mr. *Spring Rice*:—Sir, I lament to hear the death of an individual of pre-eminent talents, and one for whom I entertained the most sincere personal regard,—but, I can assure my hon. friend that I was not about to make any statement that could have been injurious to the high character of Dr. Doyle while living, or at which his friends could take umbrage after his decease. Dr. Doyle, the best witness I could call in such a case, states that: — 'If 'artisans, particularly, could be convinced 'of the evils of combination, very great 'advantages would result both to them-'selves and to the community at large; for 'their combinations are most injurious to 'the public interest. The week before I 'left home, I spent a few days in Kil-'kenny, on a visit with the Catholic 'Bishop of Ossory. They were at that time 'disposing in that city of a fund of 300*l.* or '400*l.* raised for the relief of the poor. 'There was a question of setting to work 'the unemployed weavers, which led to 'my inquiry into some particulars with 'respect to them. It was the opinion, 'however, of these gentlemen, then con-'versing, that the combinations amongst 'that description of tradespeople were the 'chief cause of the almost extinction of the 'blanket manufacture in Kilkenny; and 'though the citizens were then obliged to 'relieve them out of the public funds, these 'weavers themselves were the cause of 'their own misfortunes; for as soon as they 'discovered that a manufacturer had ob-'tained a contract for making blankets, or 'that there was a demand for goods, they 'immediately struck, and would not work, 'unless for very high prices: hence the 'manufacturers were unable to enter into 'contracts lest they should be disappointed, 'or that too high wages would be extorted 'from them; and the consequence was, 'that the manufacture went down alto-'gether.'

Now, Sir, I say, what becomes of the case attempted to be made out against the Union by a reference to the decay of the Kilkenny trade, when it appears, from the testimony of Dr. Doyle, that so untrue is it that such decay is connected with the Union, that it arises on the contrary from causes totally distinct. Even if it were connected with the Union, is it not clear that under a system of protecting duties, and of restrictive trade, there would be a still greater tendency to combinations than at present, and consequently there would exist a greater danger to Irish manufactures. In corroboration of Dr. Doyle, I shall read an extract from a communication from Dublin equally important:—

Dublin, 20th April, 1834.

The decline of manufactures in Dublin was not the consequence of the Union, and it would have occurred had the Union never been carried. It was the consequence, natural and inevitable, of the combination of the workmen, and of that combination exclusively.

This position admits of proof; for, in one instance, the combination was put down, and the trade, in that instance, was sustained; this was in calico printing. In 1817 the employers succeeded in crushing combination; they resolutely discharged their refractory hands, took on and educated others, employed women and boys to do the work which men only had heretofore ingrossed; and that trade has thenceforward been at no time, when equal capital, economy, and energy were devoted to it, worse circumstanced in Ireland than in England. In every other department combination succeeded, and, save in a few solitary instances, the manufacture was lost. If the Union were repealed to-morrow, and a code of protecting duties enacted, every farthing of the burden thus levied on the community would be exacted by the rapacity of the workmen, to be expended in drunkenness, or in the expenses of a combination founded on injustice, and sustained by the most frightful outrages,—by cold-blooded murder, and noon-day assassination.

I now proceed to the linen trade. I deplore the necessity of entering into these details; but I feel assured the House will excuse me. I hold in my hand a letter from a gentleman in Ulster, of the highest authority on this subject. It is to this effect:—'It is frequently stated, that the 'trade has fallen off greatly within the last 'forty years; say since the year 1792. 'This, I am sure, is a very great error; 'the trade has greatly changed, but cer-'tainly in the aggregate, not fallen off. 'Forty years ago there was more than 'double the present number of bleach-'greens; but those at present employed do 'a much greater business than formerly. 'In fact, I can name in this county '(Antrim) ten bleaching concerns that at 'present finish more goods than the forty 'most extensive greens in the year 1790; 'and I know ten establishments that have, 'within the last year, exported more than '50,000*l.* value each, of linen to foreign 'markets. I also know four manufac-'turers that have, within the last year, 'manufactured upwards of 30,000*l.* in 'value each. This could not have been 'accomplished but for the facilities of pro-'curing mill-spun yarn. Previous to the 'period formerly stated, 1790, there was 'no such thing as brown linen exported 'from Ireland. In fact, I am certain 'there is a great increase in quantity, in 'place of falling off. You are aware, that 'the Irish Parliament prohibited the im'portation of foreign yarns and flax. 'Great Britain, more wise, did no such 'thing, imported both, from wherever 'they could be had cheapest and best. 'So much for the wisdom and advantage of 'an Irish Parliament.'

Or in other words—we crippled a branch of our linen manufactures by the bad policy into which the selfishness of a local Legislature led us; and we have regained our manufacture under the better policy pursued by the Imperial Legislature. The following account of the linen trade comes from another, and an equally good authority:—

I feel considerable confidence in stating my opinion, that the present condition of the trade is more wholesome and satisfactory than at any former period within the bounds of my experience.

Great and important changes have resulted from the abandonment of the system of bounties on exports, from the improvement in machinery, and from the application of more extended capital; all of which have, however, tended to expel the smaller manufacturers, dealers, and bleachers, and to diminish profits; but they have secured to the consumer a more perfect and regularly manufactured fabric, and at a vastly cheaper rate; and they have enabled us to see more clearly our capabilities of carrying on the manufacture in competition with the linen manufactures of the Continent.

The result of the whole is satisfactory. We are now certain that we can manufacture almost every description of linen, except lace and fine cambric, as cheap and as well, perhaps cheaper and better, than any other country. The improvements in bleaching, also, having been placed on a more secure basis by science and experience, have contributed to raise the character of our goods, and I feel confident those causes will continue further to operate in advancing the character of Irish linens.

The bounties on export, though so long regarded as the only support of our manufacture of coarse fabrics, encouraged the production of extremely low and worthless articles, on the value of which the bounty became a handsome profit; and such goods were, of course, despised when brought into comparison with those of the Continent in foreign markets. A better description is now made for export, and the character of the Irish manufacture is advancing.

The machinery for spinning yarn has been improved to a degree that has outrun the most sanguine expectations.

The extension of spinning-mills is now most rapid. We have had several small mills for many years, and for the last three or four, one very large one, all of which have prospered; and so many are now starting up in every quarter, that there is much danger of the demand being overrun by the supply which may soon be expected.

The spinning by machinery has also tended to encourage the application of large capital to the manufacturer.

The state of the manufactures in Belfast and its vicinity is still more important. I wrote to one of the principal manufacturers in that district, for the purpose of inquiring of him its present condition. He says—

I could not furnish you with a correct comparative statement of the relative state of manufactures previous to 1800, as most of the mills at that time were on a small scale, and so imperfect in machinery that they had almost ceased to work: but this I can safely say, and in this opinion I am supported by Mr. Stevenson and other intelligent gentlemen, that one single concern would now produce more cotton-yarn than all the mills in the north of Ireland produced previous to 1800. You will observe that a number of mills for spinning linen-yarn have lately been erected; and whilst the linen trade is evidently decreasing, this new branch of trade seems likely to fill its place, with much benefit to the country, as, this being the seat of the linen-trade, it affords a ready sale for yarn; and as the cultivation of flax has always been considerable, the spinners are likely to have a good supply of the material, and the farmers a fair price for their produce. At present, four of our most extensive printing concerns are employed printing for the Manchester market, thus coping with the English printer at his own door. I am clearly of opinion that it was the protecting duties that retarded our advancement in the improvement of our manufactures, by preventing that free and fair competition, without which there can be no improvement. For example, if we are protected by a duty of 10 per cent, our prices must rise to that extent, or the manufacturers are not benefited by it; thus, by increasing the price of our goods, we effectually shut ourselves out of all markets but our own; and in order to secure a home trade, we shut ourselves out from all the world beside; yet a return to this very system is one of the advantages promised us by an Irish legislature. It was difficult to procure a sufficient number of weavers, or even common labourers; indeed, it is a great satisfaction to be enabled to state, that at no period have the people here been so generally employed, and so comfortably off; as, in addition to constant employment, they have provisions at a reasonable rate. A great increase and improvement has taken place in the foundry and mill-wright business; and I can say with safety that no part of England can produce better steam-engines than have lately been manufactured by Messrs. Coates and Young, of this place. But the man must be blind, indeed, who can shut his eyes to the fact, that in all those outward appearances which would strike a stranger in a foreign country as indicative of prosperity, wealth, improvement in education, arts, and sciences, we have been gradually and certainly improving; for, whether we look at the increase and improvement of gentlemen's residences, the luxurious mode of living of our merchants and manufacturers, with the increase of carriages and other vehicles, the improvement in the dress and living of our mechanics, or in the improved costume of the lower class of labourers, everything denotes a country rising in civilization. The friends of repeal will reply, and with truth, that this improvement is confined to the north of Ireland. Whence then arises this great difference in the same country? We in the north attribute our prosperity to our free and unfettered intercourse with England and Scotland, and there are few, indeed, here, of any experience, who would not predict injury to our agriculture, stagnation to our commerce, and ruin to our staple manufacture by any measure calculated to check that free intercourse with our neighbours, which we consider has been so beneficial to our country.

Account of Cotton and Flax-Mills at Belfast and Neighbourhood, Built and Enlarged since 1800.

OWNERS.	Distance from Belfast.	Cotton.	Flax.	Horse power.	Hands employed.	Date of erections.		OBSERVATIONS.
John Bell and Co.	Larne, 16 miles	1	.	60	. .	1801	Water-power	Not employed, the parties being bankrupts
John M'Cracken	Belfast	1	.	10	80	1803	Steam	
John Vance	26 miles	1	.	30	120	1803	Water	
Thomas How	8 miles	1	.	40	150	1804	Water and steam	
John Bell and Co.	Belfast	1	.	14	. .	1805	Steam	Not employed, being bankrupt
James Boomer and Co.	Belfast	2	.	50	450	1805	Steam	Enlarged to this extent
M'Collough and Co.	10 miles	2	.	36	250	1806	Steam	
Leppers	Belfast	2	.	70	430	1810	Steam	Enlarged to this extent
John M'Cracken	Belfast	1	.	10	90	1810	Steam	
Stevensons	1 mile	1	.	100	360	1821	Steam and water	Rebuilt at this time, and extended
James Cowan	8 miles	1	.	50	200	1821	Water	
Thomas How	10 miles	1	.	25	130	1824	Steam and water	
J. and W. Martin and Co.	15 miles	1	.	100	300	1824	,,	
William Cowan and Co.	4 miles	1	.	40	150	1825	,,	Enlarged
Murlands	20 miles	.	1	20	100	1828	,,	
Watt	10 miles	.	1	40	200	1829	Water	Enlarged, 1834
T. and A. Mulholland	Belfast	.	1	100	650	1829	Steam	This was previously a cotton mill—was burnt, and rebuilt for flax
Mulhollands	Belfast	.	1	14	100	1830	Steam	This was a cotton, and is converted to flax
Dawsons	20 miles	.	1	25	100	1831	Water	Is now being extended
Boomer and Co.	Belfast	.	1	30	200	1833	Steam	
James Grimshaw and Son	3 miles	.	1	25	200	1833	,,	Ditto ditto
Thompsons	3 miles	.	1	30	150	1833	,, and water	
Mulhollands	Belfast	.	1	100	400	1833	,, ,,	
Boyd and Co.	Belfast	.	1	32	200	1833	Steam	
		17	10	1051	5010			

And yet, Sir, protecting duties and restricted intercourse are held out as one of the advantages that will result from the Repeal of the Union. I hold in my hand an account of the number of cotton and flax-mills, built or enlarged since the year 1800; but I have been anticipated on this point by the admission of the learned member who made this Motion, that such a change has taken place; I need therefore only refer to the results which it exhibits:—

The following are now either erecting, or adapting cotton concerns (not noted in above Schedule), to Flax or Linen-Yarn-Mill.

Gamble and Co.	New
Murphys and Co.	New
Montgomery	New
M'Kibbin	New
Bulls	This was a print-field
Stephensons	This was a small cotton-mill
Edward Grimshaw	Was a print-field

James Grimshaw and Co. was a cotton-mill.

To the above may be added three others, namely—Dunbar, Stewart, and Law.

Eleven new flax-mills in progress.

I think that I have now made out to the satisfaction of those Gentlemen who have done me the honour to attend to the very dry details, into which I have necessarily entered;—I think that I have satisfactorily made out the propositions which I pledged myself to prove. I think I have proved, that the manufacturers of Ireland have risen and advanced subsequently to the Union; that the cause of that progress and that advance is the freedom of intercourse which has been devised by the Acts of the united Parliament; and that the theory and practice of the separate Legislatures were jealousy and restrictions. If there be force in reasoning,—if there be value in inferences,—reasoning and inferences both lead to one conclusion, that the Repeal of the Union, and a return to the former system of restrictions on trade promised, and I think anticipated justly, as a consequence of Repeal, would be destruction to the wealth and industry of Ireland. But there are Gentlemen opposite, who may still support the Repeal of the Union, adopting the arguments used by the learned Member in this House, however they may regret and dissent from the arguments used by him elsewhere. Such Gentlemen may say, that they are favourable to a Repeal of the Union, but they are not favourable to protecting duties. Let them then go back to Ireland I pray them; let them undeceive their constituents upon this point. Do not let them make themselves parties to the delusion which has been created, by leading the Irish artisans to believe that their interest depends on the revival of the restrictive system. The hon. member for Limerick, opposite, is too well acquainted with the principles of commerce to doubt but that if the two countries were again driven into a contest of restrictions, protecting duties, bounties, and drawbacks, the interests of both would be sacrificed; yet he knows equally well, that the Irish manufacturers have been taught to consider protection as essential to their interests; they have been taught to believe, that the withdrawal of protection is one of the unjust acts of the Parliament, and that it can only be regained through the means of a domestic legislature. If they are not to obtain this, let them be undeceived. But what would be still better, let the truth be made known to them—let them weigh well and consider their true interests—let them only become good political economists, and I shall not despair of seeing them become good anti-repealers. Lamenting the length to which my argument has been carried, I shall endeavour to compress my remaining observations within the narrowest compass.

Allusion has been frequently made to the condition of Dublin prior and subsequent to the Union; and its alleged ruin and decay is one of the statements with which I am forced to contend. What, then, was the real state of Dublin previous to the Union? We hear it repeated, that the state of Dublin, before the Union, was one of unbounded prosperity, and that, since the Union, it has been converted into one of the most extreme misery and wretchedness. I consider both assertions as being highly exaggerated. It is very difficult to deal with this part of the subject, but it is important that I should not suppress one or two facts on which I can rely. I find that, in the year 1732, extreme distress existed in that part of Dublin called the Liberty. My hon. friend opposite, whose exertions have often been usefully devoted to the alleviation of the miseries of his countrymen, is well aware that the Liberty is that part of Dublin in which distress is always most prevalent; but so long back as the year 1732, the weavers of the Liberty of Dublin represented their trade as ruined. D. Bindon, in his address on the better means of providing for the poor of Ireland, published in 1729, states: 'That one 'person in every twenty was a pauper (and 'observes) that the unusual poverty reigning among the common people of Ireland, and the number who daily quit the country, are strong presages of yet greater calamities.'

Another writer, in 1757, observes—

'That from the vast numbers to be found in every corner of the metropolis, one might take the city of Dublin to be the general rendezvous of all the beggars in the whole kingdom.' This is not a very cheering account of the prosperous state of this city prior to the Union. I may also refer to the authority of Mr. Whitelaw, the benevolent minister of St. Catherine's, to whom the city of Dublin owes much, and the country at large much more, for the valuable information on statistics, which he collected almost unaided. Permit me to read his description of the state of a portion of Dublin, previous to the Union, and I am satisfied that if hon. Gentlemen entertain a notion that the misery of Dublin has only succeeded the Union, they will see some reason to doubt the truth of their opinions. Mr. Whitelaw's evidence is to the following effect:—'When he attempted to take the population of a ruinous house in Joseph's-lane, near Castle-market, he was interrupted in his progress by an inundation of putrid blood, alive with maggots, which had, from an adjacent yard, burst the back door, and filled the hall to a depth of several inches. By the help of a plank and some stepping stones which he procured for the purpose (for the inhabitants without any concern, waded through it), he reached the staircase. It had rained violently, and from the shattered state of the roof a torrent of water made its way through every floor from the garret to the ground. The sallow looks and filth of the wretches who crowded round him, indicated their situation, though they seemed insensible to the stench which he could scarcely sustain for a few minutes. In the garret he found the entire family of a poor working shoemaker, seven in number, lying in a fever, without a human being to administer to their wants. On Mr. Whitelaw's observing that his apartment had not a door, he informed him that his landlord, finding him unable to pay the week's rent in consequence of his illness, had the preceding Saturday taken it away, in order to force him to abandon the apartment. Mr. Whitelaw counted in this sty thirty-seven persons, and computed that its humane proprietor received out of an absolute ruin, which should be taken down by the magistrates as a public nuisance, a profit rent of about 30*l.* per annum, which he exacted every Saturday night with unfeeling severity.' This description comes from authority the most unquestionable, and it applies to a period some few years before the passing of the Act of Union. But, supposing that the horrible picture described the state of Dublin after the Union, it does not necessarily follow, that it would therefore be a consequence of the Union. It must first be shewn that the state of Dublin was otherwise before the year 1800. I therefore repeat, that if the condition of the Irish metropolis was as distressed and impoverished as has been represented, still in the absence of further evidence it is too much to conclude that prior to the Union all was prosperity, and since the Union all is decay. But here is no fact before us on which we can reason, and on which we can try the value of bold and contradictory assertions. There is some evidence bearing on this subject to which I invite hon. Gentlemen's most serious attention. What, let me ask, are the general indications of the decline of cities? The destruction of their streets and houses,—the desertion of their inhabitants,—and the diminution of their commerce. Have these occurrences taken place in Dublin? I have had a calculation made of the number of houses which have been built in Dublin since the Union, and these houses of no common description.

Return of Houses built in Dublin from 1800 to 1834.

Parish of St. Peter	582
— St. Mark	298
— St. George	438
— St. Thomas	481
— St. Paul	78
— Grange Gorman	86
— St. Andrew	16
— Wirburgh	20
— St. Mary	214
	2213

State of Dublin.

No. of Houses (in 1833) by Parliamentary valuation	17,324
Rental as estimated	£704,757
Or an average of	40*l.* per house.
Increase of houses since the Union, within the Circular Road	2,213
If the houses beyond those limits be added, they may be taken at 1000 more, making the following total number of houses	3,213
Rental	£128,520

From these papers we trace the following results:—The number of houses built since the Union, within the Circular Road, amounts to 2213; the number of houses built within the city, but without those limits, not embracing, however, the immediate outskirts and villages, amount to about 1000 more; thus 3213 new houses have been built since the Union in this most decayed and most ruined city. It may be asked, are these houses of a low-rented description? This cannot be affirmed, I am satisfied, by any hon. Member who is acquainted with Dublin. In the first instance, I would allude to Fitzwilliam-square; that has been entirely built since the Union. Merrion-square has been completed; Harcourt-street, Leeson-street, and many others I could mention, have been greatly extended. But even admitting that these houses were not of the best, but only of the average class of value, let us see how the matter stands. Let us take the average value of the rental on the immediate number of houses. The number of houses is 17,324; the rental 704,757*l.*, giving an average of 40*l.* per house. I take the average from the value of the whole of the property, and I apply that average to estimate the value of the houses newly built; and I then find that the annual house rental which has been added to Dublin by reason of new buildings erected since the Union amounts at the least to 128,520*l.* This can scarcely be thought a proof of the alleged poverty of Dublin. Increase of its imports and exports—increase of buildings—the erection of 3000 new houses there, cannot be produced as evidence of the decay of a city: on the contrary, they cannot but be taken as indicative of increased property. Similar facts may be found if we refer to many of the other towns of Ireland—they are not confined exclusively to Dublin, as will appear from the following Return:—

Increase of Towns.

	Houses in 1800.	Houses in 1831.	Increase.
Limerick .	2979	7820	4841
Belfast .	3053	7750	4697
Galway .	1212	4606	3394
Kilkenny .	1548	3759	2211
Carrickfergus	475	1497	1022
Dundalk .	1083	1618	535
Waterford .	3107	3614	507
Newry .	1503	1992	489
Clonmel .	1349	1615	266

It thus appears, that the number of houses in Dublin and in nine others of the great towns, has increased greatly between the year 1800 and the present time; and I think I may assert, in respect to Limerick, Belfast, and Cork, that the value of houses has augmented, at least, as much as the numbers have increased. But it is suggested that Parliament has neglected the local interests of Dublin. We are told that the people of Ireland have been taxed to contribute to the building of Regent-street, and the establishment of a national gallery, and that England contributes nothing to the improvement of Dublin. I trust, that hon. Gentlemen, before they press this part of their argument, will remember that there is such a class as that of the Irish labourers, who are not wholly uninterested in the public buildings and improvements of this metropolis. But do hon. Members know how much the people of England have contributed to the improvement of the city of Dublin? There has been advanced to the Wide-street Commissioners no less a sum than 261,624*l.*, and all for the benefit of the city of Dublin, which it is said the Imperial Parliament has so cruelly neglected. It is true that this sum is lent, and not given—

Mr. *Ruthven*:—It will never be repaid.

Mr. *Spring Rice*:—If that be true, my argument becomes the stronger. But it is further said, that we inflict a deep injury on Ireland by reducing offices, and thus diminishing her expenditure; and it was brought as a charge against us by the learned Gentleman, that we had reduced the establishments of the public offices in Dublin, and the salary of the Lord-lieutenant. It was said, that Ireland had a just right to complain of this, but can Irish Gentlemen come down here and seriously maintain the doctrine, that we are to keep up establishments for establishments' sake,—not for the purpose of carrying on the public business, but with a view, by public expenditure, to benefit any particular section of the empire. This argument is, indeed, preposterous and absurd. I know that the principle against which I am contending was once maintained by Sir Walter Scott, under the character of "Malachi Malagrowther;" but even the wit and ability of that most eminent man could not reconcile this doctrine to the principles of common sense.

I would beg to call the attention of the House to the peculiar unreasonableness of this charge, as brought forward by the learned Member. He, of all men, now calls it an injustice to Ireland to reduce the public establishments; and yet, on the formation of the present Government, we were pressed by the learned Member himself to carry into effect that which, without his interposition, we had determined,—namely, the reduction of the offices of Postmaster-General and Vice-Treasurer of Ireland. We were asked whether, consistently with our principles, we would postpone these reductions? The Government having been prepared to make these reductions before the question was put, could have no difficulty in giving their answer; but where is the consistency or the decency of a Member of Parliament, who, in this House, calls upon the Government to reduce establishments, and who then goes back to Ireland and charges us with having acted unjustly towards Ireland by these reductions? This is a mode of proceeding which we cannot be prepared to meet, and it shows an unparalleled carelessness of principle to urge upon his Majesty's Ministers certain reductions, and then to hold up those very Ministers to reproach for the step they have taken.

Entertaining the deepest and most earnest gratitude for the indulgence the House has shewn towards me, I shall endeavour to show my sense of their kindness by proceeding, as quickly as possible, to the concluding observations with which I shall trouble them. It should be remembered, that it is not my own cause that I am pleading. I consider the defence of the integrity of the empire to be the cause of my country; and, without presuming to call myself the counsel of that country, I hope I may be allowed to consider myself as an humble advocate for national honour and the national independence of the United Kingdom.

I know I may be taunted in this House, and out of the House, with being a cold-blooded political economist, who denies the existence of distress in Ireland. There is no charge which at once makes a man so unpopular as the suggestion that he presumes, on any evidence, to doubt the existence of distress. But I have never doubted or denied the existence of distress in Ireland. I admit it most reluctantly. I know but too well that there is great distress in that country; and if any effort of mine, in or out of Parliament, could alleviate or effectually relieve that distress, my exertions should never be withheld. I am not doubting the existence of distress, in denying the efficacy of the remedy that has been proposed; I am not denying distress, when I deny that Irish distress originated with the Union. Alas, Sir, that distress existed long before, as can easily be proved. A very curious manuscript has been put into my hands, written by Mr. Henry Boyle, the first Earl of Shannon, when he was Speaker, about the year 1748. At the period to which he refers, he states that,—'The taxes of Ireland are 'equal to one-third of the rental thereof. 'It will appear evident, that Ireland is as 'much taxed as any other country in 'Europe. Many of the taxes are in reality 'land-taxes. The quit-rents and hearth-'money which amount to 105,000*l.* yearly 'are really a charge on the land. The 'duties of five per cent. on the exportation 'of the produce of the land, such as beef, 'hides, wool, tallow, make a considerable 'sum, and are a real tax on the produce of 'land, and consequently on land itself. 'The land is so miserably cultivated that 'there is seldom any redundancy, but 'frequently a scarcity of grain; insomuch 'that, from the Revolution to this time, 'it has cost Ireland 5,000,000*l.* for grain 'chiefly imported from England, which is 'here paid to the rent of their land and 'the labour of their people. In twelve 'months, 1745, 1746, the grain, meal, 'and malt, imported into Ireland, amounted 'to upwards of 300,000*l.*; and as every 'third or fourth year is always a scarce 'one, these distresses have greatly im'poverished the country.' Here I find a statement of distress so extreme as to require a constant importation of corn for the support of the people. Here I find a statement of periodical famine recurring every three or four years. Here I learn that taxes were imposed of the raw produce of Ireland by that most discreet and enlightened Legislature which the learned Member calls upon us to restore.

I beg to refer to another work for a description of the moral and political condition of the peasantry of Ireland at a period antecedent to the Union. In a work written by Mr. Arthur Young in 1782, that gentleman, speaking of the condition of the Irish peasantry from 1776 to 1779, says—'To discover what the 'liberty of a people is we must live among 'them, and not look for it in the statutes 'of the realm; the language of written 'law may be that of liberty, but the situa'tion of the poor may speak no language 'but that of slavery. Disrespect, or any'thing tending towards sauciness, a land'lord may punish with his cane or his 'horsewhip with the most perfect security; 'a poor man would have his bones broken 'if he offered to lift his hand in his own 'defence. Knocking down is spoken of in 'the country in a manner that makes 'Englishmen stare. It must strike the 'most careless traveller to see whole strings 'of cars whipt into a ditch by a gentle-'man's footman, to make way for his 'carriage: if they are overturned or broken 'in pieces, no matter, it is taken in pa-'tience; were they to complain, they 'would perhaps be horsewhipped.'

I do not mean to say, that this statement may not be somewhat exaggerated, but it cannot be doubted in point of fact, that the severity and oppression exercised by the rich towards the poor, by the high towards the low, was much greater before the Union than it has been or could be since. I well remember, that my noble friend, the present Chancellor of Ireland, when opposing a motion of mine in this House, informed me that there was a class of persons now grown up in Ireland on whom I would rely as a protection for the poor against any exaction or oppression of the rich; he alluded to them, not under the more vulgar designation of attorneys, but under a title more poetical; he called them "village Hampdens." I am inclined to think, in any case of supposed oppression, that their interposition would not be wanting; and if a case could be made out, the member for Cork would be, I am sure, an impressive advocate, and would succeed in obtaining a verdict. These are matters of the deepest consequence to the well-being and existence of society. It must be satisfactory to the House to know, and it must be still more satisfactory to the Irish peasant to feel, that whilst under the former system of society, the horsewhip of the rich might have been used on the back of the poor, and that with impunity, that now under a better system of society, improved as well by the example of, as by our intercourse with, England, there is not a cottager who does not know his rights, and, knowing those rights, is not ready to maintain them. Where was the Irish peasant who, in the time of Arthur Young, would have resorted to the law against the rich and powerful? Where is the peasant who now would not do so if he had occasion to seek the law's protection?

I may refer to the evidence given before the Committee of 1830, by Messrs. Blake, Musgrave, Mullins, Wiggins, Mahony, and others, persons differing widely in political opinions, in proof of the progress that Ireland has made, since the Union, in almost every species of improvement—

The quality of agricultural produce has improved, and the quantity has increased: the description of stock in husbandry has improved since the increased intercourse with England,—the Hereford, Ayrshire, and Leicester breeds being brought over.

Among the better class of farmers very great improvement has taken place, and the number of slated houses is increasing very considerably; the repeal of the Union duties has produced a great cheapness of calico, and dress of that kind; and, in country villages, there is a much greater number of bakers than a few years ago. The peasantry acquire information and good habits by their intercourse with England, the fruits of which are becoming more and more manifested in Ireland.—*Musgrave, Waterford.*

The habits of the peasantry, their clothing, and their houses, are all improving. In every quarter, in every corner of Ireland, there are perceivable evidences of growing, and rapidly growing, prosperity.—*Livingstone, Sligo.*

The clothing, furniture, and comforts of the fisherman have improved decidedly. The progress of improvement in Ireland, moral and practical, has been, during the last ten years, exceedingly rapid. Wherever the coast guard establishment has been fixed, the most obvious improvement has taken place in the neighbourhood; the example which those men have shown being productive of most beneficial consequences.—*Barry, Cork.*

There is rather a tendency to increase the rate of wages than otherwise. The labourers can now purchase as much provisions for 6*s.* as they could formerly for 12*s.* Clothing is less than one-half cheaper; linen is to be had for one-half the price; cottons, calicoes, and checks, those kind of fabrics which the poorer class of females wear, are now to be had for one-fourth.—*Mullins, Dublin.*

The state of the peasantry has improved very rapidly of late years; the country has greatly altered for the better; the peasantry are better clothed, and in every way seem to be more comfortable, and their houses are improving; agriculture has improved—the mode of ploughing, the description of carts, and other farming implements.—*Mahoney.*

The Irish reapers no longer come in the tattered clothes they formerly appeared in; they are ashamed of their rags, and are apparently a different class of persons.—*Williams.*

Ireland is becoming, from day to day, more prosperous; capital is spreading throughout Ireland; and, in proportion as it spreads, so will the general state of all classes be improved.—*Blake.*

The consumption of wheaten bread has considerably augmented.—*Greer.*

A very great improvement has taken place in all respects during the last twenty-two years, in the habits of cleanliness, and order and regularity, in their clothing, and sense of propriety in all respects; I conceive in their moral character and conduct altogether, the improvement has been very striking; I think the improvement of Ireland has been more rapid than any improvement I ever saw in England in any large track of country.—*Wiggins.*

The foundations of her prosperity are laid, and time will complete the structure.—*Roe.*

This evidence proves, that not only in manufactures, but in agriculture, and in commerce; in short, in everything which can constitute the prosperity of a State, the greatest progress is made; which progress, if we are indulged with repose, will continue.

I would beg to refer hon. Members to a very curious document, marked No. 17, in the papers now before the House. About the year 1825, a power was given by Parliament, of transferring stock from one part of the empire to the other. Under this Statute, persons were allowed the privilege of transferring their stock from England to Ireland, which gave them the advantage of receiving their dividends in Dublin. What has been the result? It is exhibited in the following account:—

An Account of Stock transferred to and from England and Ireland up to 5th Jan., 1834.

	CAPITAL.	Annual Interest arising thereon, and Long Annuity.
	£	£
Capital created in Ireland by Stock transferred from England	23,335,378	810,129
Capital transferred from Ireland to England - -	7,324,429	247,809
	16,010,949	562,320

I will not trouble the House by entering into a statement of complicated figures; but, as the result, there have been actually 16,000,000*l.* of funded property thus transferred to Ireland, yielding an annual income of 562,000*l.*, spent in Ireland. The House will scarcely credit the inference which in Ireland has been drawn from this account. It is said, that by reason of the transfer of these 16,000,000*l.* of debt, Ireland is 16,000,000*l.* poorer than she was in 1820; and, that this is one of the fatal consequences of the disastrous Union; one of the proofs of the neglect of Ireland, and of her reduced wealth. There is another fact, which I must pause to notice. From an account of the amount of property passing under probates of wills, and letters of administration, in Ireland, I find, that, taking the years 1819, 1820, and 1821, and comparing them with 1831 and 1832, the amount of property has increased from 2,814,000*l.*, to 3,612,000*l.*—The following is the account:—

Years.	Amount of Property.	Average.
	£	£
1819 . .	3,023,654	. . 2,814,816
1820 . .	2,634,864	
1821 . .	2,795,929	
1822 . .	2,679,144	. . 2,975,440
1823 . .	3,491,426	
1824 . .	2,755,750	
1825 . .	2,985,141	. . 3,119,247
1826 . .	3,477,228	
1827 . .	2,895,372	
1828 . .	3,593,257	. . 3,623,206
1829 . .	4,015,609	
1830 . .	3,268,751	
1831 . .	3,772,897	. . 3,612,612
1832 . .	3,452,327	
	44,833,359	

Is this a proof of increased poverty, or does it not, on the contrary, exhibit an increase of the national wealth of Ireland? We cannot, therefore, be so utterly ruined as the hon. Gentlemen, who support Repeal, would fain induce us to suppose. There have been political circumstances connected with agitation, by which the savings of the poorer classes have been endangered, in consequence of alarms created by the agitators. Excitement has prevailed, which not only shook commercial credit, but produced a run on the savings' banks; and in support of this statement, I would refer to those Gentlemen who are acquainted with the towns of Kilkenny, Clonmel, and Waterford. But notwithstanding this cruel mischief, I am happy to state, that during the last year, the sums paid into the savings' banks of Ireland amounted to 349,000*l.*, while the sums drawn out amounted only to 252,000*l.* This result is drawn from the following account:—

Account, showing the total Amount of Sums paid in and drawn out of Savings Banks in Ireland, in the Years ended 5th January, 1831, 1832, 1833, *and* 1834, *so far as the said Sums apply to the Accounts between the Trustees of those Institutions and the Commissioners for the Reduction of the National Debt.*

IRELAND.	Principal Sums paid in by Trustees.			Principal Sums drawn out by Trustees.		
In the Year ended	£	*s.*	*d.*	£	*s.*	*d.*
5th January, 1831 - - -	240,401	6	2	251,912	16	10
5th January, 1832 - - -	288,075	17	11	316,819	0	0
5th January, 1833 - - -	272,198	0	0	193,467	13	1
5th January, 1834 - - -	349,521	8	9	252,576	5	0

In consequence of the Repeal of the Assessed-taxes in Ireland, it is difficult for me to show the condition of the upper classes in Ireland, by any reference to the number of horses, carriages, and servants. The duty on wrought plate, which is an article of luxury, and only used by persons of a superior class, may probably show something of the condition of the higher orders. I have taken an average of thirteen years: and taking 1800, 1801, and 1802; as compared with 1815, 1816, and 1817,—the latter, being the period when the duty fell to the lowest in Ireland, — there is shown an increase in the duty of sixty-five per cent. Taking the years 1827, 1828, and 1829, being the period when the duty was the greatest, and comparing it with 1800, 1801, and 1802, there is shown an increase of ninety-seven per cent: and when I take the last three years, comparing them with the first period, there appears the still greater increase of 116 per cent. The following is the account in detail:—

Produce of the Duty on Wrought Plate.

	Ireland.	Great Britain.
	£	£
Average of the three years, 1800, 1801, and 1802 - - - -	1,772	47,607
Average of 1815, 1816, and 1817, being the period within which the produce of the duty was smallest in Ireland since the first period - -	2,926	75,400
Increase - - - -	1,154	27,793
Increase per cent - -	65	58
Average of 1827, 1828, and 1829, being the period within which the produce of the duty was greatest in Ireland -	5,264	86,916
Increase compared with 1800, 1801, and 1802 - - - - -	3,492	39,309
Increase per cent - -	197	82
Average of the last three years, 1831, 1832, and 1833 - - -	3,825	64,629
Increase compared with 1800, 1801, and 1802 - - - - -	2,053	17,022
Increase per cent - -	116	36

Here I have shown a large increase in the consumption of an article of pure luxury, and what is whimsical, the increased per-centage received in Ireland is much greater than the increased per-centage in England at corresponding periods. Now, if we adopted the doctrine of ratios, relied on by the learned Member, this would prove that the prosperity of Ireland is more rapid than that of Great Britain. But I have already exposed the fallacy. I can, however, refer to this Return, as some reply to the assertion, that the gentry of Ireland have been ruined by the Union.

There is another fact to which I may here allude, although it might more properly have been introduced in reference to that part of my argument which related to Dublin,—I mean the increase of Roman Catholic chapels since the Union, the amount of money which has been invested in them, and the splendid buildings which are rising daily in that metropolis, and in the principal towns. I rejoice to be able to make this observation. I think it proves the increase, not only of the wealth, but of the religious feelings of my countrymen. At the period of the Union, there was but one respectable Roman Catholic Chapel in Dublin; that of Clarendon-street. I believe there are now eight or nine, and the erection of one cost upwards of 40,000*l.*

Roman Catholic Chapels built in Dublin since the Union.

Anne-street
Essex-quay
Marlborough-street
Townsend-street
Francis-street
Aungier-street
Gardiners-street
——
Grange Gorman
Rathmines
Booterstown

I may venture to suggest, also, that the large subscriptions which are raised for political purposes throughout Ireland afford some proof that the people are not quite so distressed as they are said to be. We know, that of late years, very large subscriptions have been collected among the people of Ireland for political purposes, and that these subscriptions, whether called rent or tribute, are made a matter of boast. I shall not carry these observations further than to express my opinion, that these subscriptions cannot be adduced as evidence of the poverty of the country.

There is another matter to which I feel myself bound to advert—I mean the increase of the internal traffic of Ireland, as carried on by the means of her canals. This most important point will be best shown by the following Returns relating to the Grand Canal, the Royal Canal, and the Barrow Navigation:—

Tonnage of Commodities carried on the Grand Canal, Royal Canal, and the Barrow.

		Tons.
Grand Canal.—	Average of 1821, 1822, and 1823 -	140,236
	Average of 1831, 1832, and 1833 -	227,169
	Increase - - -	86,933
	Increase per cent - -	62
Royal Canal.—	Average of 1821, 1822, and 1823 -	88,190
	Average of 1831, 1832, and 1833 -	141,973
	Increase - - -	53,783
	Increase per cent - -	61
The Barrow.—	Average of 1821, 1822, and 1823 -	23,770
Tonnagedown.—	Average of 1831, 1832, and 1833 -	35,487
	Increase - - -	11,717
	Increase per cent - -	49
Tonnage up.—	Average of 1821, 1822, and 1823 -	19,478
	Average of 1831, 1832, and 1833 -	30,558
	Increase - - -	11,079
	Increase per cent - -	56

So much for the internal trade of the country, and combined as it is, with the state of the general trade, it must, to any fair mind, set at rest all doubts with respect to the progress of Irish prosperity. Further, if we look to the modes of travelling, the increased intercourse by public carriages, the introduction of day-cars by that most useful man, Mr. Bianconi; the improvement of late years has exceeded all calculation.

I know not what apology to offer for having trespassed at such unprecedented length upon your patience; and when I think of the kindness and indulgence with which the House has favoured me, I never can be sufficiently grateful. At the same time, I am sensible that this favour is not extended to myself as an individual; I could not ask it at your hands, for I am well aware, how little I deserve it; but I know that it has been given in consideration of the great—I may say, the awful—interest bound up in the question which we are now called upon to decide. This is no ordinary debate,—this is no common contest,—a mighty stake is now risked,—the greatest of political duties is to be performed,—no questions of temporary interest, and no personal considerations, can be permitted to interfere. Gentlemen ought to be swayed but by one motive—a sense of the duty they are called on to perform. Their decision should be given with judicial weight and integrity. They should remember, that for this decision, they are now, and will be hereafter, responsible: not mistaking the import of Parliamentary responsibility, nor thinking lightly of the obligations which a Member of this House owes to his constituents. I would yet call on hon. Gentlemen who are disposed to favour the Motion for Repeal to remember that there are moments when it may be their duty to forget that they have constituents, in the recollection that they have a country. By the great names of patriots now no more—by those titles greater than any monarch can bestow, which have descended to some amongst us,—by the spirits of the mighty dead, who have done honour to Irish history,—who supported Irish rights,—who resisted tyranny and usurpation—I adjure the hon. Gentlemen opposite to look to still higher and greater interests, than those to which they may be disposed to yield; to look to the performance of those more important duties which will claim and deserve higher rewards than those of popular applause and a seat in Parliament. In these respects, even the Unreformed Parliament of England, may afford the man instructive example. We were there given great examples of what the conduct of Members of this House ought to be; theirs was an example which should never be forgotten. Where would the Catholics of Ireland have now been, if there had not been found British Members of Parliament who had courage enough to advocate their claims, at the risk, nay, with the certainty, of displeasing their constituents, and of losing their seats? What honourable sacrifices did they not make? Were there not cases in which all political considerations were forgotten—in which the claims of party, and the hopes of ambition, were lost sight of? Greater still were some of the sacrifices which were then made. Were there not very many cases in which the ties and affections of private life were torn asunder?—cases, in which the son quitted his parent, in order to give his vote in favour of Emancipation? These great acts ought not to be forgotten. They are instructive, in discussing the Question of the Union, because the people of Ireland ought not to forget what has been the conduct towards them of the Imperial Legislature. This ought not to be forgotten in the way of example. It teaches us what ought to be the conduct of each and every one among us to pursue. It reads us a lesson, by which I trust we shall profit, in the performance of this our most sacred duty. I am sure there is no hope of political distinction—no selfish objects which we can attain or desire—which we ought not to be willing, ready, happy, nay, eager, to sacrifice, for the sake of what we owe to Ireland and to the empire. On this subject of Irish Repeal, there can be no compromise; neither shall there be any compromise in the address which it is my duty to propose.

Before I sit down, I must be allowed to read to the House, words of one of the best and wisest of men—I allude to the high authority of that great, because that good man, who left a dying bequest as a divine legacy to his country—Henry Grattan. It is the advice, which he, on his death-bed, gave his fellow-countrymen—advice, which I now implore them to follow. What was the nature of his solemn exhortation? Did he advise a continuance of agitation? Did he advise a Repeal of the Union? Did he justify the course which has of late been taken? Did he sanction those feats of political activity which have been exhibited on so many stages in later times? No, Sir. On the contrary, he says, "I most strongly recommend that the two countries may never separate, and that Ireland should never seek for any connexion except with Great Britain."

Mr. *Feargus O'Connor* and other *Hon. Members*: Hear! hear!

Mr. *Spring Rice:* Am I to be told by that cheer, that the connexion of the two countries is to be maintained?

Mr. *Feargus O'Connor* and other *Hon. Members*: Hear! hear!

Mr. *Spring Rice:* Ay; but I ask Gentlemen, do they believe that the connexion could be preserved for one twelvemonth after the Repeal of the Legislative Union? The experiment failed in Ireland in the year 1782,—it failed in the discussions relating to Portugal,—it failed on the Regency Act,—it failed at the period of collision with the Volunteers.—it failed in Scotland, at the time the Act of Security was passed. Do Gentlemen, then, believe, that an experiment inconsistent with all the general principles of government,—inconsistent with past experience,—can succeed in Ireland, and in Ireland only? Sir, I maintain that, if the Repeal of the Union were carried, the connexion between the two countries is broken: I maintain, that to Repeal would succeed a fierce democratic Republic, which, however some Gentlemen may regard as a blessing, I, as the attached subject of the constitutional Monarchy, should deplore as one of the greatest of evils. Separation, in fact, is aimed at.

An *Hon. Member:* No!

Mr. *Spring Rice*: What, then, meant the beginning of the speech we heard last night? What meant the references to the United States of America? Why do we hear of Bolivar? What is the Order of Liberators? What was meant by the following sentence:—"I now approach the Atlantic, and I feel the fresh breezes that come from a country of freedom?" What is the object of a declamation like the following:—"The emancipated convicts of Botany Bay have a Parliament of their own; we have none, and we are 8,000,000. The slave-drivers in the West-Indies, and the fishermen of Newfoundland, have domestic Legislatures; we are without one, and we are 8,000,000. The United States of North America, the western boundary of Ireland, threw off the British yoke, and gained freedom by the sword; they were 3,000,000, and we are 8,000,000?" What means, also the late appeal to the "spirit of democratic liberty?"

Sir, constitutional liberty I am ready to worship; but I reject the idol of democratic liberty which the hon. and learned Gentleman would place upon our altars. We are told truly in the last words of Grattan, that "the people of his country should not look to a democratic government; they are not fit for it." I do not wish to speak in disparagement of my own countrymen; but from what you see the violence of Irish parties to be, will you surrender Ireland to the tender mercies—must I use the word?—of a domestic Legislature? Would you surrender the people of that country to the tender mercies of contending factions? Do you not know, that there would be inevitably such a conflict and collision of opinion as must produce a sanguinary civil war—a war of extermination? Do hon. Gentlemen who support Repeal think that, because they possess a certain physical force in certain districts of Ireland, that they could compel the sturdy spirits of the North to submit without a struggle? That struggle would immediately commence between them; but when it would close, who is bold enough to say? One thing, however, is certain, that what began in folly would end in crime; and that the ultimate consequence would be, the entire destruction of our country. I humbly thank the House for the attention given me; I assure them that most gladly would I have compressed the matter before me into a narrower space could I have done so; but I preferred running the risk of wearying the House to the risk of omitting anything that I thought really material to my subject. I am placed, Sir, in a situation of some embarrassment; for, in the multitude of papers before me, I cannot find the Address which I intended to move. I will, therefore, for the sake of form, move simply, that a humble Address be presented to his Majesty.

Several *Hon. Members:* Adjourn! adjourn!

Mr. *Spring Rice:* I have to make ten thousand apologies to the House; but I have already stated the substance of the Amendment. It is to the following effect:—

"We, your Majesty's most dutiful and loyal subjects, the Commons, in Parliament assembled, feel it our duty humbly to approach your Majesty's Throne, to record, in the most solemn manner, our fixed determination to maintain unimpaired and undisturbed the Legislative Union between Great Britain and Ireland, which we consider to be essential to the strength and stability of the empire, to the continuance of the connexion between the two countries, and to the peace, and security, and happiness of all classes of your Majesty's subjects.

"We feel this, our determination, to be as much justified by our views of the general interests of the State, as by our conviction, that to no other portion of your Majesty's subjects is the maintenance of the Legislative Union more important than to the inhabitants of Ireland themselves.

"We humbly represent to your Majesty, that the Imperial Parliament have taken the affairs of Ireland into their most serious consideration, and that various salutary laws have been enacted, since the Union, for the advancement of the most important interests of Ireland, and of the empire at large.

"In expressing to your Majesty our resolution to maintain the Legislative Union inviolate, we humbly beg leave to assure your Majesty, that we shall persevere in applying our best attention to the removal of all just causes of complaint, and to the promotion of all well-considered measures of improvement." *

HOUSE OF LORDS,

Thursday, April 24, 1834.

MINUTES.] Bill. Read a first time. On the Motion of the Earl of SHAFTESBURY:—Clerk of the Pipe (Scotland).

Petitions presented. By the Duke of RUTLAND, from several Places, for Protection to the Established Church.—By Lord PLUNKETT, from several Places, for the Repeal of the Union; and from Kilrush, for Poor Laws to Ireland.—By the Duke of WELLINGTON, from Belfast, against the Repeal of the Union.—By the Earl of KINNOUL, the Duke of SUTHERLAND, and Lords ROLLE and DENMAN, from a Number of Places,—for the Better Observance of the Sabbath.—By the Marquess of LONDONDERRY, Earls CAWDOR and FITZWILLIAM, and Lord DACRE, from several Places, and Dissenting Congregations,—for Relief to the Dissenters.—By the Marquess of LONDONDERRY, from several Places, for Relief to the Agricultural Interest, by the Repeal of Duties on Malt and Hops.—By the Duke of RICHMOND, from Alpheton, for the Renewal and Extension of the Labour-Rate Act.

BOROUGH OF HERTFORD.] The Hertford Disfranchisement Bill was brought up from the Commons.

The Earl of *Malmesbury*, with a view to the discussion of this Bill, moved that there be laid on the Table of that House the indictment and other proceedings in the case of James Russell, who was tried in the sittings after last Hilary Term for perjury, committed before the Election Committee in the borough of Hertford.

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* The advocates for Repeal are particularly fond of referring to the example of the United States of America; they would do well to consider attentively the spirit and meaning of the following manifesto of President Jackson, in reply to the South Carolina Ordinance:—

"And whereas the said Ordinance prescribes to the people a course of conduct in direct violation of their duty as citizens, contrary to the laws of their country, and having for its object the destruction of the Union.

"To preserve this bond of our political existence from destruction, and justify the confidence my fellow-citizens have reposed in me, I, Andrew Jackson, President of the United States, have thought proper to issue this, my Proclamation, declaring the course which duty will require me to pursue, and, appealing to the understanding and patriotism of the people, warn them of the consequences that must inevitably result from the observance of the dictates of the Convention.

"Your pride was roused by the assertion, that a submission to those laws was a state of vassalage, and that resistance to them was equal in patriotic merit to the opposition our fathers offered to the oppressive laws of Great Britain. You were told, that this opposition might be peaceably—might be constitutionally made; that you might enjoy all the advantages of the Union, and bear none of its burthens,—eloquent appeals to your passions, to state pride,—to your native courage,—to your sense of real injury,—were used to prepare you for the period when the mask which concealed the hideous features of disunion should be taken off. It fell, and you were made to look with complacency on objects which, not long since, you would have regarded with horor. Look back to the acts which have brought you to this state,—look forward to the consequences to which it must inevitably lead,—look back to what was first told you as an inducement to enter into this dangerous course,—the great political truth was repeated to you, that you had the revolutionary right of resisting all laws that were palpably unconstitutional, and intolerably oppressive.

"They are unsafe guides in the perilous path they urge you to tread. Ponder well on this circumstance, and you will know how to appreciate the exaggerated language they address to you. They are not champions of liberty, emulating the fame of our revolutionary fathers; nor are you an oppressed people, contending, as they repeat to you, against worse than colonial vassalage. You are free members of a flourishing and happy Union; there is no settled design to oppress you.

"You have, indeed, felt the unequal operation of laws which may have been unwisely, not unconstitutionally, passed; but that inequality must necessarily be removed. At the very moment, when you were madly urged on to the unfortunate course you have begun, a change in public opinion had commenced.

"The Government cannot accede to the mad project of disunion, of which you would be the first victims. Its first magistrate cannot, if he would, avoid the performance of his duty. The consequences must be fearful for you, distressing to your fellow-citizens here, and to the friends of good government throughout the world."—*Note by Mr. Rice.*

The *Lord Chancellor* would in a moment explain to the noble Earl why this Motion could not be granted. The judgment in the case had not been pronounced, so that the indictment could not be now produced. The only way in which a conviction was ever proveable was by the production of the *postea* when finally entered up, which was, in fact, the production of the whole record, including the verdict of the Jury and the judgment of the Court. There was an instance of the sort last year, which, probably a noble Earl (Earl Eldon) then in the House would well remember. The record could not be produced till the proceedings were complete, for there might be a motion in arrest of judgment, and till the judgment was finally entered up, no one could say what the result might be. The noble Earl, however, might perhaps accomplish his object in another way. There was a course—he knew it had been objected to by the Judges—but there was a course of moving for the production of the Judge's notes at the trial. There might be an objection even to that if that trial never led to a complete proceeding. He, therefore, urged the noble Earl to let the matter stand over.

Lord *Denman* said, that it would be more convenient to allow the matter to stand over for a few days. It appeared to him, he must confess, a new suggestion, that the Judges' notes should be produced. He thought there were many strong objections to such a course, but he understood that it had been before adopted. He might mention that a great many of these notes might be in themselves imperfect, in consequence of references being made in them to documents which, though read at the trial, were of course not written down by the Judge. He might, perhaps, with reference to the particular case now under consideration, say, that he remembered the circumstance that a person of the name of Russell, had been convicted before him on a charge of perjury, stated to have been committed by him before the Hertford Election Committee. That statement would show the probability that, at no distant time, the defendant would be brought up for judgment, when the record of the conviction might be obtained; but if anything should occur to prevent that judgment being given, another course might then be adopted, with the view of giving their Lordships the information they desired.

Motion withdrawn.

UNSTAMPED PUBLICATIONS.] The Earl of *Winchilsea* seeing the noble Viscount (Viscount Melbourne) in his place, could not avoid taking that opportunity of calling his attention to the subject of unstamped publications, one of which he had that day seen, and the language of which was so violent, so grossly seditious, that he did not think the Government could pass it by without notice. It would be in vain for the noble Earl to take measures to preserve the peace of the country, if publications like this were suffered to continue unnoticed; if the worthless part of the Press was allowed (and, he was glad to say, that he did not include the majority of the Press in the description) to pour forth its seditious effusions unnoticed. There was, he repeated, a part of the Press that always endeavoured to excite the people against the constituted authorities of the country, and thereby to place the country in the most terrible situation. These low publications—for which he felt the utmost indignation and abhorrence—published, as they were, without stamps, were read at beer-houses, and were calculated to do the utmost mischief among the frequenters of those places. He believed that the noble Viscount could not have read the publication to which he alluded; and therefore he thought it his duty to call the noble Viscount's attention to it.

Viscount *Melbourne* observed, that these publications had not escaped the notice of the Government. He agreed with the noble Earl, that nothing could be worse than the effects to which the noble Earl had alluded. The question of the notice to be taken of them was, however, often a question of prudence, and was not to be entirely decided by feelings of indignation and abhorrence. There were some things that, but for reasons of prudence, might call for notice and animadversion; but the question with him was, whether by prosecuting they were not more likely to increase than to diminish the circulation of publications they desired to put down, and thus play into the hands of those who were the authors of them.

The Earl of *Winchilsea* could not agree in the sentiments of the noble Viscount; for he knew that these publications were already extensively read in beer-houses, and places of that description. Besides, in another point of view, the Government ought to take notice of them. There were no stamps on these papers. The revenue, therefore, was defrauded; and the respectable part of the Press laboured under unfair disabilities, in being called on to pay for stamps, when others were suffered to enter the market without being subjected to such a charge.

Conversation dropped.

Fees of the House.] Lord *Lyndhurst* presented a Petition from Mr. Radford Roe, an Irish Barrister, who had been convicted in Ireland, and had brought a writ of error from the judgment of the Court of King's-Bench there to the House of Lords. Upon that writ of error, his Lordship said, that that House had reversed the judgment of the Irish Court of King's-Bench. There were fees due to the officers of that House, which Mr. Roe was not in a condition to pay. Though the judgment of the Court below had been reversed, Mr. Roe was still detained in custody for the payment of the fees. Mr. Roe said, that the demand of those fees was erroneous, and he quoted some Acts of Parliament to show that they were so. It was his opinion, that these Acts of Parliament were not applicable to the present case; but he thought that the case was one of hardship, calling for some interposition on the part of the House or of the Government.

Earl *Grey* at once admitted the extreme hardship of the case. He had no hesitation in saying, that those fees ought not to be exacted. These fees did not now belong to the officers, they were now the property of the public. He thought, therefore, that they might be remitted. That had been done in a former case, and justice would be abused by a demand that they should be paid before the petitioner was set at liberty. Mr. Radford Roe proposed to bring a writ of error, but desired it might stand over. He had not been prepared, but at the trial never had been the humane fiction of the law more exemplified than on that occasion. He had not had counsel, but the Judge interfered and acted as his counsel throughout. He mentioned these facts to show that Mr. Roe had no present reason to complain of the administration of justice.

Petition to lie on the Table.

HOUSE OF COMMONS,

Thursday, April 24, 1834.

Minutes.] Bills. Read a second time:—Fines and Recoveries (Ireland).—Read a third time.—Roman Catholic Marriages (Scotland).

Petitions presented. By Mr. Buckingham, from Kircaldy, for Appointing Surveyors to Inspect the Building of Merchant Vessels.—By Mr. Dilwyn, from Cadoxton-juxta-Neath, for the Repeal of the Malt Duty.—By Sir George Strickland, from Lyme Regis, and Bolton, for the Amendment of the Sale of Beer Act.—By Mr. Blakeney and Mr. Galway, from a Number of Places,—against Tithes in Ireland.—By Mr. G. W. Wood, from the Tea-dealers of Manchester, for the Repeal of the Tea Duties.—By Captain Dundas, from Woolwich, against the Lord's Day Observance Bill.—By Mr. Collier, from Plymouth, against the Removal of the Market from that Place.—By Mr. Feargus O'Connor, from several Places, for the Repeal of the Union; and the Abolition of Tithes.—By Messrs. Buckingham and Oliphant, from Dunshalt and Perth, for the Repeal of the Corn Laws.—By Mr. Marshall, from Leeds, for Vote by Ballot.—By Sir Eardley Wilmot, from the Hand-Loom Weavers of Auchterarder; and by Mr. Oliphant, from those of Perth,—for Relief.—By Lord Cole, from the County of Fermanagh, against the Repeal of the Union.—By Lord Waterpark, from Huntingdon, and other Places, for Protection to the Established Church.—By Sir Ronald Ferguson, from the Fish-curers of Burntisland, for exemption from Light-House Dues.—By Sir Ronald Ferguson, Mr. Feargus O'Connor, Mr. Buckingham, and Mr. Foster, from a Number of Places, for a Mitigation of the Sentence passed on the Dorchester Labourers.—By Lords Waterpark, and Charles Russell, Sir Eardley Wilmot, Sir Harry Verney, Sir George Strickland, and Messrs. Todd, E. L. Bulwer, Bolling, F. Paget, Cotes, Blake, Tidd, Buckingham, Collier, Ryder and Biddulph, from a great Number of Places, and Dissenting Congregations for Relief to the Dissenters.—By Lord Waterpark, Sir George Strickland, Sir Harry Verney, Captain Dundas, and Messrs. Buller, Oliphant, Handley, Ryder, Hodges, Biddulph, Collier, Whitmore, Tidd, Dilwyn, G. W. Wood, Villiers, Pinney, Bolling, and Chaytor, from a Number of Places,—for the Better Observance of the Sabbath.—By Messrs. Biddulph, Gaskell, and Finch, from Leeds, and other Places,—against the General Register Bill,

Repeal of the Union Ireland,—Adjourned Debate.] Mr. *Emerson Tennent*:[*] I rise, Sir, to second the Amendment which has been proposed by my right hon. friend the Secretary for the Treasury; and whilst I feel the highest gratification at the fact, that the hon. and learned Gentleman (Mr. O'Connell) has, at last, seen fit to bring forward this matter for discussion, I feel convinced, that the course suggested by this Amendment is the only proper one to pursue, since it will tend to elicit a full and fair examination into the merits of the question, and an explicit expression of the opinions of the House. No matter on what impulse the hon. Member may have adopted this course—whether encouraged by the increasing numbers and intelligence of the opponents of the Union, or compelled by the taunts of its supporters, it cannot but be a cause of congratulation to the country, that the question will now be considered calmly and fully, in this the proper arena, and no longer abandoned to the bombast and sophistry of itinerant agitators and hired declaimers. This inquiry, if pursued with that close and searching investigation into the real bearings of the subject which I trust it will, must have a tendency to check the present mania in Ireland, in more ways than one—it must call forth such an exposure of the fallacies of the hon. and learned member for Dublin, and his supporters, as must serve to convince those of the advocates of repeal who are capable of reasoning, and open to conviction, of its utter emptiness and delusion; and, on the other hand, it will serve to show to the uneducated and besotted multitude, that, however important and desirable the hon. and learned Gentleman (Mr. O'Connell) may represent the measure to be, it is one which the good sense of the nation never can and never will concede. In this latter point of view I look towards the result of this debate as a matter of the highest importance, since the Irish peasantry, however heedless they may be in other respects, will scarcely go on paying their money and raising the tribute for an impracticable object, and the House may rest assured that so soon as the money fails, we shall hear little more of the Repeal of the Union.

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[*] From the Corrected edition.

I am only anxious, in taking a part in the debate, to confine myself within those bounds of indulgence which, as an Irish Member, and one deeply interested in the issue of the present struggle, I think I am entitled to solicit from the courtesy of the House, on whose patience I have not often, and I trust never unnecessarily, intruded myself; and should I, in this instance, claim a more than ordinary indulgence, I trust they will reflect that it is no ordinary occasion which compels me to do so. The discussion must, I know, be dull and tedious; for whilst the promoters of Repeal have abandoned to its opponents all the details and calculations, they have engrossed to themselves all the romance and poetry of the question; but the issue of this debate will, at least. prove to the Irish people, that an Imperial Parliament is not disposed to postpone the useful to the ornamental elements of an inquiry, or to be hurried away by declamation, whilst they can proceed with greater safety by facts and by evidence.

The main proposition urged by the hon. member for Dublin seems to me to be, that Ireland before the Union enjoyed an interval of unprecedented prosperity, and that this prosperity was attributable to the legislative independence of her domestic Parliament, from which follows the natural inference that the present evils of Ireland have been caused by the dissolution of that independent Parliament; and consequently, that nothing but its restoration can relieve them. Now, I on the contrary, maintain, not only that the evils which now afflict Ireland had their origin and existence for centuries before the Union was enacted, and consequently cannot be traced to the operation of that measure,—but that the Irish Parliament not only never was, but, consistently with the interests of the kingdom, never could have been independent, and therefore that the prosperity thus attributed to it either never existed at all, or, if it did exist, must be referable altogether to other causes;—and, secondly, that Ireland has experienced a degree of national prosperity and improvement, as well as of national dignity and importance, since her incorporation with Great Britain, which she never did, and never could have enjoyed, under any other circumstances.

It has been the lot of Ireland—whether good or bad is not for us now to inquire—to be placed by nature in a position with regard to other countries, in which their interests have been inseparably connected with her fate, and her fortunes dependent upon their policy. Had she, instead of having risen from the waters within 60 miles of the coast of Britain—instead of lying within the common reach of countries which ages of hostility had taught to regard one another aa "natural rivals"—had she been situated far off in the bosom of the Atlantic, and remote from the contending States of Europe—however different might have been her measure of advantage, no question such as the present could ever have arisen, and her importance to the rest of the world being comparatively trifling, she might have been quietly abandoned to her own resources, and her own unaided and distinct independence. But situated as she was, innumerable causes have conspired not only to make a close political connexion between her and England essential to *her* welfare and prosperity, but to render a union of interest between the two countries, a community of fortune, an identity of object, and a co-operation in action, indispensable to the power, the prosperity, and security of the British empire. England, awakened to a consciousness of the importance of this object, did not fail to pursue it, and the result was the conquest of Ireland by Henry 2nd. The connexion thus imperfectly commenced; there were, without a Union, but two expedients whereby to perpetuate it—first, by force and coercion; or, secondly, by such a modified constitution as should leave to England a controlling check over the Irish Legislature. The first system continued, through the succession of massacres and civil bloodshed, for which the hon. and learned Member has invoked all our posthumous resentment, from the 12th to about the 17th century, when Ireland got the shadow of a Constitution, with one Crown, one Executive, and a Legislative openly and avowedly dependent upon England.

The object of this policy seemed to be to draw off the minds of the Irish from rebellion and violence, by amusing them with the farce of legislation—or rather of debating, for legislation they had confessedly none. Not only did England exercise a power of passing laws in her own Parliament to bind Ireland, which was not represented there, but, by an Act of Henry 7th, called Poyning's Law, no measure could be introduced for discussion in the Irish Parliament which had not first received the sanction of the English Privy Council. It was evident that this system, so degrading to Ireland, could continue only so long as she was unable, from physical weakness, or unwilling, from mental debasement, to contend against it; and accordingly it gave way in 1782, when the Irish people—not the Irish Parliament, observe—with arms in their hands, took advantage of a moment of England's debility to demand, and obtained an amelioration of their condition. This is the great event from which we are accustomed to hear the independence of Ireland dated; the British Parliament having then resigned the right of making laws to bind Ireland, and, by repealing the obnoxious Poyning's Law, done away with the appearance of dictating to the Irish Parliament what laws they were to enact. This, then, became the "era of Irish independence," the "golden age of Irish prosperity," when, as we are told, for a brief space, "she soared into the dignity of a nation before sinking ignominiously into the insignificance of a province." I confess I heard last night, with no little surprise, from the hon. and learned Gentleman. (Mr. O'Connell) the assertion, that the Irish Parliament had, by this bloodless revolution, obtained "full legislative and judicial independence;" but I do not hesitate to say, that nothing could be more unreal than the pageant of this boasted independence. It for a moment dazzled and deceived even the acuteness of those who had struggled most ardently to obtain it; but it had scarcely been secured when it exhibited in practice all its emptiness and insufficiency; and when it was discovered that English interests were as fully and as effectually represented in the Irish House of Commons, during this lauded era of her "independence," as Irish interests are at this present moment represented in this.

The Legislature, in fact, remained as fully under the control of the English Ministry as before; and even the boasted repeal of Poyning's Law turned out at best to be but a specious delusion. By that law, as it previously existed, the British Cabinet could exert its control over the Irish Parliament in the shape of an approval at the originating of a measure, and, by the settlement of 1782, that power was continued in the form of an assent on its conclusion. The Minister resigned the privilege of opposing the introduction of an Irish Bill, but he retained the equivalent power of a *veto* when it had passed; thus bringing the legislative portion of the Government completely under British control. The Act which wrought this effect was introduced in the Irish Parliament in 1782, and was generally known by the title of Yelverton's Act: by it it was enacted that no bill should pass into a law in Ireland, unless returned under the Great Seal of Great Britain. At the very moment when the Irish Legislature asserted their independence, on the principle that the King governed Ireland in right of his Irish Crown, and not as a portion of the realm of England, it actually passed a law by which its Acts were thus subjected to the control of a foreign Cabinet. If the King of England formed the third estate of the Irish Constitution, in right of his Irish Crown alone, why was not the Great Seal of Ireland to be considered as the test of the Royal assent to an Irish Bill? But, so far from this being the case, it was enacted by this independent Irish Parliament, with the consent of the Irish people, that the Great Seal of England was to be appended to each Irish Act at the discretion of an English officer of an English Cabinet, amenable to, and unimpeachable by, an English Parliament, if any Act so allowed to pass in Ireland were to contain matter which could in any way injure the empire, be incompatible with English interests, or tend to separate Ireland from it.

The House will perceive also that there was here no line of distinction drawn between Acts of any one description and another—between local Acts and public Acts; all were alike to be submitted to the same ordeal; and the veriest legislative matter affecting the interests of Ireland—a Bill for a road or a turnpike, for a canal or a bridge, for a tax, a duty, or a police regulation, was alike subjected to the control of the British Minister; and yet to this humiliation Ireland submitted without a murmur, and called her condition "independence!" The Speaker of the Irish House of Commons, in the very speech in which he opposed the Union, and contended for the preservation of this miscalled "independence," had the inconsistency to admit, that this power of the British Cabinet, as conferred by Yelverton's Act, amounted to a direct control over the third estate of the Irish Parliament—"that it produced a theoretic difference between the Constitutions of the two kingdoms, which rendered that of Ireland inferior; but that it was an inferiority which was necessary from her situation in the empire, and one with which Ireland was content, as it secured her union and connexion with England on a firm and lasting basis."

But not only on these measures on which the Irish Parliament was at liberty to legislate at all, was it thus completely amenable to a superior power, but, besides this humiliation, the same independent Parliament was totally excluded from one of the noblest fields of legislation that can, possibly, give dignity or importance to a country. Though permitted to deliberate on her own local concerns, Ireland was completely excluded from all external legislation, even in matters in which her own interests were most nearly concerned. Mr. Fox, who had been himself a strenuous supporter of the great measure of 1782, was most clear and explicit in declaring, in 1785, this fact of her incompetency. He admitted the full right of Ireland to internal legislation but "that external legislation was, in reason and in policy, annexed to the British Legislature; it was a right of prerogative and supremacy which could never give umbrage to any portion of the empire, if it were exercised only for the public good." In the great and important questions of war and peace, Ireland was, therefore, compelled to follow the dictates and register the Acts of Great Britain, however burthensome to her resources, or prejudicial to her interests. Treaties with foreign powers, offensive or defensive—of policy or commerce—she could not presume to enter into; she could send no Ambassador—appoint no Consul—plant no colony; she could make or hold no conquest, seek no confederacy, and conclude no alliance; and yet, with all these restrictions, she flattered herself with the title of independence!

But what rendered all this even the more galling was, that in theory she was all she claimed to be, but in practice she dared not exercise her rights. The Irish Parliament was actually in its essence independent; it possessed the undeniable right of dissenting from the general policy of the empire; it might counsel war when the interests of England were pacific, or it might exhort the King to peace when the necessities of the empire demanded war; it might protest against treaties, and refuse to ratify commercial articles; all these were in theory the constitutional rights of independent Ireland; but dared she practically to assert her privileges in opposition to Great Britain?—the result, had she attempted such a step, would have been instant ruin—separation, and possibly hostility with England. However opposed to her views of policy, however adverse to her interest, she was compelled in every instance to submit implicitly to the dictation of England, and liable for her compliance to be taunted with subserviency; taunts which never failed to be applied, and which finally rendered Ireland impatient of that very connexion which was so vitally essential to her prosperity and preservation.

Such was virtually the humiliating

position of the Irish Legislature during this golden era of her annals; with all the outward pomp and parade of "independence," she suffered all the inward and mortifying consciousness of dependency. In concerns which affected most closely her internal prosperity, she was habitually liable to the control of the British Cabinet, and matters in which her interests were most intimately involved she was debarred from interfering with, from a dread of running into collision with English policy.

Nor was this all: not only was the Legislative Body of Ireland thus tied down and submissive but what was, if possible, of greater moment and importance still, her Executive was totally independent of her, and at the absolute control of a foreign Parliament. Montesquieu had observed that this country can never be ruined till its Legislative has become more corrupt than its Executive; that is, till it has ceased to exercise its constitutional check and control over it,—an observation which applied with equal force to Ireland: the constitution of the two countries being identical. And at this very period the control of the Irish Legislative over the Executive was literally annihilated; such a control being absolutely beyond the reach of the Irish Parliament. The Irish Legislature had nothing whatsoever to do with the selection or appointment of the Irish Viceroy, who was appointed by a British Cabinet, subject to the instructions of a British Ministry, and in every way responsible for his administration to the British Parliament; and so perfectly was he independant of the Parliament of Ireland, that, in 1789, in the case of the Regency, Lord Buckingham actually refused to carry to the Prince the Addresses of both Houses of the Irish Parliament, on the ground of his being prohibited from discharging his duty to them by his oath of office to the English Government! To crown all, with a Legislative thus openly trammeled, and an Executive avowedly above its control, the Parliament of Ireland contained no one element of free representation. Of its 300 Members, 116 were actually placemen, and 216, on the showing of Mr. Grattan, "the representatives of boroughs, and manors, and nominees of patrons, returned without the exercise of the shadow of elective right by the people." Mr. Grattan, in fact, described the body accurately in one pithy sentence, as "an assembly whose restricted constitution excluded freedom, and whose servile compliances had collected upon the country an accumulation of calamities."

Now, Sir, I do not allude to these facts, for the purpose of casting any posthumous slight upon the Irish Parliament or the Irish people of this period. I do not recapitulate these circumstances for the purpose of diminishing the dignity of her present position by a comparison with her past situation; but with all these facts before us,—facts to which I challenge contradiction,—I would ask the supporters of the proposition of the hon. and learned member for Dublin, how they come to denominate a political imbecility such as this—"national independence?" or how they can possibly trace national prosperity—supposing such to have existed,—to the independence of the Irish Parliament? "National independence," as Burke observes, "can be regarded as beneficial to a country only in two points of view—as conferring external dignity, or promoting internal prosperity and happiness;" and can it be said, that any one of these objects was secured by the independence of Ireland, such as it was? Could a country be said to be regarded by the other countries of Europe as commanding the dignity of a nation, which could hold no legislative intercourse with them, unless through the intervention or by the permission of an adjoining and more powerful state? Could a country be said to enjoy the dignity of a nation which possessed neither the means of defence nor security, except through the interposition and protection of a neighbouring kingdom? Could a country lay claim to national respect which, though it could help to raise an army, could not use it for its own purposes; and though it could equip and man a fleet, had not the power of commissioning or commanding a single vessel? In short, could a country be said to enjoy the dignity of independence which could neither declare war nor conclude peace, repel any injury or avenge an insult? Yet such was the position of Ireland in this boasted period, from 1782 to 1800!

It is not mere distinctness as a people that constitutes independence, for in this respect the Esquimaux, or the New Zealanders, are more a separate people than the Irish; but it is the power of maintaining that distinctness without the dread of external assault, or the failure of internal resources, free from the control and assistance of any other country, whether political, physical, or financial. Now, as to internal resources, Ireland at this period relied upon British credit for the security of her supplies, and was dependent upon English liberality and justice for the very sufferance of her trade, which she could at any moment have extinguished; and when enabled to enjoy and extend it, she was indebted to a British navy for its protection, and to British treaties for its extension. She was actually compelled by her position to render Britain services, which, whilst they maintained her dignity, did not contribute in the slightest degree to advance her own. She was dragged headlong into every war in which England was engaged; she shared their costs, and incurred their hazard, whilst England alone gained by their success. Territories might be won by her regiments, and conquests made by her seamen, but, independently of England, Ireland could hold no territory, and claim no conquest. She might help to plant and people colonies, but they were the colonies of England, and apart from her; Ireland could neither trade with them, legislate for them, nor govern them. She had, in short, on every occasion, the mere honour to hunt with the lion, but England in all had the lion's portion of the spoil. All these were grievances felt, and keenly too, by Ireland; yet she was compelled to smother her feelings, and to profess, with all her mortifications and disabilities, that she still enjoyed the dignity of "independence." In a word, without enjoying the dignity of being a separate State, she suffered all the inconvenience of being a separate people.

But dismissing this question of external dignity, on which there can be but one opinion, let us see how far the independence of Ireland contributed to the other grand object—that of internal prosperity. Situated as Ireland was, with a young and delicate commerce to foster and encourage, and a superabundance of agricultural produce to export, her manifest interest was to cultivate a close connexion with England, who could not only afford her an ample home market for the one, but also introduce her to foreign intercourse for the extension of the other; in fact, the importance of this connexion cannot be overstated, when it is borne in mind, that the traffic of Ireland with England and her colonies alone formed four-fifths of her entire trade before the Union, and has amounted to even a greater proportion since. Now, as to the internal prosperity of this period, it was a matter of notoriety, that from the year 1782 till 1785, Ireland suffered most keenly from extreme commercial and manufacturing depression and distress. "Her artisans," to use the words of Macpherson, in his Annals of Commerce, in referring to Ireland at this epoch, "were distressed, discontented, and turbulent, and her manufactures starved for want of capital." She was at this time so completely undersold by British merchants, not only in the foreign trade, but even in her own market, that, in the distraction of her extremity, she had recourse to the celebrated non-importation resolutions against England, which gave rise to the tumults of 1784.

The difficulties of her commercial position at this time led to one of the most singular events in the annals of her independence—namely, the Commercial Propositions of 1785, the debates on which, and the ultimate fate of the measure, served most unequivocally to demonstrate the incompatibility in the case of Ireland of perfect independence, with the full enjoyment of her commercial opportunities, and to finally satisfy both nations of the necessity of a Union to save one or both from ultimate ruin. Notwithstanding the liberal concessions of England in 1799, when she had granted the right of free trade to Ireland—that is, permission to trade unrestrictedly with every foreign port to which her ships had access, Ireland still laboured under severe restrictions, especially in her colonial and her coasting and channel trade; restrictions which, as they were kept up by the rivalry of the two countries, fell with extreme severity on the weaker one; and the Irish Parliament soon discovered that, without some adjustment between her and England relative to the commerce of the two countries, the constitutional acquisitions of 1782 were likely to prove but an empty honour; and accordingly, in 1784, both Houses addressed the Viceroy and the Throne, praying that the case of Ireland might be taken into consideration, with a view to such an adjustment of their commerce, as would preserve to each its interests, and relieve the necessities of Ireland.

This prayer was acceded to by England, and an adjustment proposed on such a scale as nothing but the munificence and resources of a great nation could either have proposed or afforded. Propositions were submitted to the Irish House in 1785, by which the entire trade of England, foreign and colonial, was to be thrown open to Ireland; she was to participate freely in all the benefits of the British Navigation-laws, and the home-trade was to be placed on such a footing, that whilst Ireland retained all her existing advantages in the English market, Irish and British produce were to be placed precisely on the same footing as regarded the market of foreigners. These propositions were so manifestly favourable to Ireland, that they were at once violently opposed by all the trading interests of England, who declared, that so evident were its advantages to Ireland, that British capital would forthwith be removed thither, where it could be much more effectually employed. And Mr. Fox, in this House, denounced the propositions as "a tame surrender of the trade and commerce of Great Britain." In Ireland, on the contrary, they were received with a rapture proportionate to the splendid prospects which they held out to her; and so important was their adoption considered, that the Chancellor of the Irish Exchequer declared his conviction, that the rejection of them would threaten the destruction of British connexion, and the utter ruin of Ireland. "Things," he said, "cannot go on as they are; commercial jealousy is aroused, and will increase with two independent Legislatures, if they do not mutually declare the principles whereby their powers shall be separately employed for the direction of trade. Without an united interest in commerce, in a commercial empire, Political Union will receive many shocks, and separation of interest must endanger separation of connexion, which every honest Irishman must shudder even to look at as a possible event. If this measure be rejected," said he, "Ireland will receive a more solid evil than ever yet befel her. It is vain for gentlemen to think we can go on as we have done for some years, or expect to cope with England in a destructive war of bounties. Our situation must become every day more difficult, and it is impossible to foresee all the ruinous consequences that may ensue." This, then, is the picture of Irish prosperity during this era of her independence, drawn by the Chancellor of the Irish Exchequer, and contained in the very speech from which the hon. and learned Gentleman has adduced a garbled extract, to prove to the House her unparalleled improvement! Surely, in furnishing us with the one quotation, it would only have been candid to have laid before us the other.

Notwithstanding these manifest advantages in adopting—notwithstanding these solemn warnings of the dangers attendant on its rejection—that measure was finally defeated in the Irish Parliament, and defeated on the open, on the avowed, the acknowledged ground of the impossibility of entertaining it compatibly with the dignity of Irish independence. The propositions, on being first submitted to the Irish House, were received with readiness, and passed in a division in which the tellers had actually no "noes" to tell. They were returned to the British Parliament, with an address to the King from both Houses, returning his Majesty the thanks and gratitude of Ireland, in beholding the blessings which were opening upon them under his benign auspices. The British Parliament, after long discussion, agreed to the propositions, but added, among others, one, the bare notification of which in Ireland created an instantaneous and fatal revulsion against the whole measure; and what was this fearful addition? Why, simply this—a resolution that Ireland, on being admitted to a full participation in the advantages of British commerce, should pass such laws for the protection of their common trade, for the suppression of smuggling, and the regulation of navigation, as had been found indispensable for these purposes by England.

Now, I would appeal to any reasonable man, whether there was any thing unreasonable in this proposition?—whether it was not, in fact, the only condition on which England could possibly make the proposed concessions, since, while it extended to Ireland a share in the commerce of another nation, it merely sought a security, that that commerce was not to be destroyed, or England injured by her generosity? This very view of the proposition was not attempted to be controverted in the Irish Parliament; but, nevertheless, the entire plan was objected to, on the grounds that this was a return to the old system of England dictating to

Ireland what laws she was to enact; it was converting the commercial into a constitutional question, and that on such grounds that, however advantageous the proposal, Ireland was bound to reject it. Mr. Grattan, who but three years before, on the settlement of 1782, had drawn up and carried an address to the Throne, in which the Irish Parliament assured his Majesty, "that no constitutional question between the two countries could any longer exist, which could interrupt their harmony," was compelled now to admit, that contrary to all his assurances and expectations, a constitutional question had arisen—a question which, though it involved the very existence of Irish commerce, could not be entertained, since it clashed with her constitutional dignity. It was a question in which, to use his own words, "the idea of protecting duties, and all commercial details, must vanish." So great was the difficulty between these contending interests of commerce and constitution, that he even assured the Irish Parliament that, whatever might be the consequence, it was then impossible to devise any plan for the regulation of Irish commerce which would be compatible with national dignity. "It was laughable," he said, "to suppose, that Mr. Orde, (the Irish Secretary, who had introduced the propositions,) could then devise any plan which would be acceptable to the two countries;" an opinion which was re-echoed by Mr. Flood, who added, "that if a demon from hell had wished to place eternal separation between the two countries, he could not do it more effectually than by the resolutions that had passed in Great Britain." In consequence of this bitter opposition, although the resolutions eventually passed by the Irish House, it was by so small a majority that the Government did not think themselves warranted in grounding a bill upon them, and the whole measure was eventually abandoned in disgust.

Here, then, was an avowed and obvious dilemma, in which it was candidly admitted, that the extension, nay, the very existence, of Irish trade, was incompatible with a high degree of Irish independence. It was admitted, that our legislative distinction was an insuperable barrier to our commercial advancement, and, in the madness of the moment, the watchword of Irish patriotism became, "Perish Commerce, but live the Constitution"! What in this dilemma was the simple and self-evident remedy? A Union: a Union which, by identifying the interests of the two countries, would destroy the jealousy of concession on the one hand, and by incorporating their Legislatures, do away with the imputation of dictation on the other. It was these commercial propositions of 1785, as I have already observed, that first effectually opened the eyes of England to the necessity of this unavoidable alternative; and in the petitions against them, from the manufacturers and merchants of Bristol, and other trading towns, they expressly stated, that, as "no system could be permanent or equitable which did not prescribe a participation of burthens as well as of benefits, a complete and perfect Union was the only means to ensure harmony and good-will between the two nations." A Union, in fact, was discovered on all hands to be the only expedient to reconcile English apprehensions with Irish advancement, and to combine the commercial prosperity with the constitutional rights of both countries.

But to revert from this instance of the prosperity of Ireland being retarded by its independence, let us return to the question of how far it was actually promoted by it. Notwithstanding this rejection of her proffered benefits — notwithstanding this inward display of wayward vanity—England was induced, at a subsequent period, to make some of those concessions which Ireland had spurned in 1785 —at least such as she could without risk to her general interests; and Ireland was then content to make by parcels those very legislative regulations which her dignity had formerly rejected in the gross. The beneficial effects of these concessions were soon visible in the improvement in the trade of Ireland. I have reason to think, that the statements on both sides, with regard to the quantum of Irish prosperity at this era, have been much exaggerated; one party describing her condition as absolute destitution, and the other emblazoning her improvement as a positive political phenomenon. So far as I have been able to ascertain the real facts, I am satisfied that Ireland did make a considerable advance from 1782 to 1800; but I am likewise satisfied, that that advance bears no proportion whatsoever to her progress since. In order, however, to render this fact of her improvement available as an argument in favour of her independence, two previous steps are indispensable. It must first be shown, that her progress was more striking, after obtaining her independence, than it was before it; and this I consider utterly impossible; her improvement within the previous period, from 1750 to 1780, being totally unprecedented, and greater than it had been even in a century before: the value of her linen-trade alone having, according to Mr. Young, increased during those thirty years from 500,000*l.* per annum to 1,500,000*l.*, and this, too, the House will observe, even before the free trade concessions of 1799. And, secondly, it must be shown, that her progress was attributable directly to her constitutional freedom, and was not referable to a general tide of prosperity which carried her along in common with the rest of the empire. Now, it is a notorious fact in the annals of British commerce, that the half century which immediately succeeded the peace of Aix-la-Chapelle, in 1748, was a period of the most unexampled prosperity; but more especially the latter portion of it, (this very space from 1782 to 1800), during which the whole empire made the most extraordinary advances. This was attributable, in a great degree, to the various trading treaties then entered into with foreign powers; with France, with Spain, and with Russia; but more particularly to the improvement of the Navigation-laws, and the extension of our fisheries, as well as to the Commutation Act, and the settlement of the East-India trade. Now, during this period, Ireland, possessed of a free trade, and the same Constitution with Great Britain, boasting herself also coequal and independent, would naturally be expected, as enjoying the same advantages, to exhibit the same improvement; and on this principle alone, we could readily account even for the most extraordinary progress. But it is a remarkable fact, as illustrating the real value of her independence—a fact which every investigation goes to confirm—that whilst England and Scotland during this period made the most surprising progress in every department, Ireland, under precisely similar circumstances, exhibited comparatively but a very inconsiderable improvement. Proofs of this are so abundant, that the only difficulty lies in selection. I will not detain the House by entering into any minute details, but will allude only to one or two results which established the fact beyond a question. The increase and decrease of the quantity of shipping belonging to a commercial country may, I think, be assumed as a pretty safe test of the fluctuations of its trade; and, judging by this standard alone, Ireland, from 1782 to 1800, so far from giving any evidence of improvement, would seem to have been actually on the decline. The amount of her shipping, in 1782, I have not been able to ascertain, but we may safely infer, that it was less than six years afterwards; and, according to statements laid before this House, the number of ships and amount of tonnage belonging to Ireland were, in—

	Ships.	Tonnage.
1788	1,016	60,776
1790	1,134	62,336
1795	1,099	58,778
1800	1,003	54,262

Exhibiting a positive decrease, whilst that of England advanced from—

1780	753,977
1788	1,365,138
1790	1,404,960
1795	1,040,296
1800	1,924,042

The one country thus falling off in her shipping, whilst the other, during the same period, and under the same circumstances, nearly trebled its tonnage. This statement is again checked and corroborated by a similar return of ships built and registered during the same period, and which exhibits even a more striking result. There were built in Ireland, on an average of—

	Ships.	Tonnage.
4 years to 1787	233	9,227
5 years to 1795	193	8,447
5 years to 1800	111	6,456

Showing a decrease of one-half in number of ships, and one-third in amount of tonnage. By taking any one branch of Irish trade during this era, and contrasting it with a similar department of the other two countries, their comparative advancement will appear more prominently. Thus the exports of the three kingdoms were—

	England.	Scotland.	Ireland.
In 1783	12,624,372	653,709	3,077,446
1800	43,152,019	2,346,068	4,015,976

Thus, whilst the exports of England were trebled during these thirty years, and those of Scotland nearly quadrupled, those of Ireland in the same space had only advanced by one quarter from what they had been at its commencement. I am well aware how dull and uninteresting these arrays of figures are to the House, and, without pursuing them further, I will merely observe, that the results of a comparison in any one branch of revenue—the post-office, the stamps, or the customs of Ireland, all lead to the same result, and exhibit either a decrease or a scarcely perceptible improvement, whilst the rest of the empire was advancing by the most surprising strides to the pitch of prosperity.

Whatever progress Ireland made, she owed it in fact, not to her internal constitution, but altogether to external causes, the general current of improvement, or the generous concessions of England; her mere abstract independence could not of itself add one shilling to her revenue, nor cause one blade of grass to spring up in her fields; it could only enable her to avail herself of those opportunities which external circumstances presented to her. Thus her independence enabled her to enter freely into foreign trade; but what was the result? Even with this permission, Ireland was either so deficient in capital, in shipping, or enterprise, in this era of her prosperity, that instead of availing herself of the foreign trade thus thrown open to her, instead of employing her own shipping in its carriage, she actually imported from Great Britain in 1799, one million and a half of foreign produce—produce which England allowed her to have with a full drawback of all duties, and on which she afterwards raised 350,000*l.* of revenue, by subjecting it to taxation at her own ports.

Such were the instances of British liberality to which she is really indebted to her condition before the Union; and it surely cannot be said, that her independence could have extorted this, any more than it could have caused the opening of the British ports to her agricultural produce and her linens, of which latter England received, on an average of three years, to 1798, no less a proportion than 35,000,000 yards out of 40,000,000, which she exported; and not only allowed her a bounty of thirty-five per cent on these, but actually secured to her the British market, by subjecting the linens of all other countries to an import duty of twenty-five per cent; thus taxing itself about 65,000*l.* per annum to support the Irish linen trade. The whole trade of Ireland with England, at this period, did not amount to more than one-ninth of the entire trade of Great Britain with the rest of the world: yet, so far from her contributing one-ninth to the British revenue, her contributions were not one hundred-and-fortieth in proportion to her commerce; the whole Irish duties, in 1778, amounting to but 47,000*l.*, whilst those of other countries were nearly 7,000,000*l.* Such are a few of the causes to which, in reality, Ireland owed any prosperity she enjoyed in this celebrated era; she owed it to English connexion, and to English generosity, and not to her empty constitutional dignity, or the hollow independence of her Parliament; and, with all these advantages, I defy the enemies of the Union to show, that Ireland, during this period, increased her resources by more than one-half; nay, I would say, by one-fourth; whilst the capital and revenues of the rest of the empire were augmented four-fold during the same space.

But there remains one other inquiry still: if independence did not secure to Ireland external dignity,—if it failed to promote internal prosperity, did it ensure to her domestic tranquillity and happiness? A nation may be reconciled to mediocrity of rank: it can be happy in the enjoyment of moderate wealth, provided, in the absence of ostentatious splendour, it can have "the consolations of obscurity, peace, contentment, and tranquillity." Did Ireland enjoy these under her domestic Legislature? I do not mean to allude to the distant years of her history, when her Parliament was trammeled and fettered. I do not allude to the Whiteboy outrages of 1763, or 1776, for these occurred before the constitutional era of 1782; but did her independent Parliament secure the country against the recurrence of such fearful outrages? On the contrary; so far from this being the case, we had, in 1785, the Right Boys of Munster, and in 1786, an actual Civil War in the county of Armagh, under the very eye of the independent Parliament, which lasted till it had rooted out the Roman Catholic population, and sent them abroad to disseminate disaffection against a Government which permitted such outrages. In 1792 and 1793, in Louth and Meath, in Limerick and Roscommon, in Leitrim and Westmeath, there were perpetual risings and disturbances, whilst, during the same period, various bands ruled undisturbed in various other districts, under the name of Hearts of Oak and Hearts of Steel, Houghers, and Carders, Peep-of-day Boys, and Defenders, spreading terror and dismay over whole provinces, and exhibiting, though on a minor scale, the atrocities and bloodshed which political agitation has again revived in the Whitefeet and Ribandmen of the present day. For nearly twenty years we manned the navy with our malcontents, and peopled New Holland with our Irish outcasts, and, to crown the whole,

> ——Last scene of all which ends
> This strange eventful tragedy,

we had the sanguinary and destructive Rebellion of 1798,—a Civil War, in which were perpetrated some acts of fierce barbarity, for which the annals of human ferocity can scarcely afford a parallel. Such were the symptoms of our domestic happiness under a domestic Legislature. A contemporary writer, in alluding to this very subject, at the time of the Union, has remarked,—"that, with all her advantages, commercial and political, her free trade and unrestricted agriculture, her *Habeas Corpus* Act, and Constitutional Parliament, the growth of Irish discontent more than kept pace with the growth of Irish prosperity; discord increased with wealth; and conspiracy and rebellion shot up with national improvement."

Now, if it be evident that every species of connexion between England and Ireland, previous to 1800, failed of its object,—if it has been found that each was untenable in its nature, or inefficient in its operation,—if even the most liberal constitution which could be conceded consistently with the preservation of connexion by Great Britain, that which most nearly approached to perfect independence, failed in promoting the legitimate objects of free government, external dignity, and internal happiness, the question forces itself upon us, by what fresh expedient was that connexion to be maintained? As to perfect and distinct independence, I leave that altogether out of the question, for I believe it to be perfectly impossible to preserve the connexion between two countries of unequal power and resources, such as Great Britain and Ireland, without sacrificing, in some degree, the independence of the weaker one. Between two countries on a perfect political equality in every respect, to whom union or separation might be equally a matter of choice or convenience, we can conceive the idea of such a junction continuing, for a time, compatibly with the perfect independence of both; but, in the case of two nations, of different powers, compelled by their mutual necessities to form a connexion, that connexion must always be, in a greater or less degree, one of patronage on the part of the most powerful, and of dependence on that of the weaker State; of dictation on the one side, and of acquiescence on the other. In order to lead to disunion, it is not necessary even to presume an hostility of interests between the two confederates; for even whilst they concur in the same object, so various are human intellects, that they may differ as to the means; and with whom, in such a case, is the decision to rest, unless with the most powerful of the two?—whilst interest at once points out the propriety of compliance, and a sacrifice of opinion on the part of its companion. Is such submission, then, consistent with the idea of perfect independence? And how long may we suppose that a Government such as this which has been proposed—this political abortion of one Government with two Legislatures—this

> Most delicate monster with two voices,—

how long could it exist in the present state of feeling in Ireland? May we not conclude, with her jealousy of all dictation, her impatience of all control, that, in some moment of spleen, of passion, or possibly of caprice or delusion, under the influence of some vociferous patriot, she might conceive it incumbent on her dignity, not only to express, but maintain her opinions, and thus precipitate a separation, and possibly hostilities, between the two countries. Ireland, we know, submitted reluctantly to the dictation of England for nearly seven centuries, but it was during a period when her spirit was unformed, and her resources as yet undeveloped; but can we suppose that, with her present excited feelings, she would calmly submit to it now? And yet, render the two countries distinct to-morrow, and I maintain that the continuance of the connexion is impossible without such submission on the part of Ireland.

We all know how very nearly, in more than one instance, the proceedings of the Irish Parliament hurried the countries to the verge of separation, when thus imperfectly conjoined before. Ireland had scarcely obtained the concession of free trade, in 1779, when one of its first fruits was a motion, in the Irish House of Commons, to declare war, single-handed, and apart from Great Britain, against a country not only at peace, but actually in alliance, with England, for an alleged injury to her commerce! I refer to the case of Portugal, which has been already alluded to by the right hon. Gentleman (Mr. Rice), which, in 1781, refused to admit Irish produce into her ports, though, by the Methuen treaty, she was bound to do so. The interposition and remonstrances of England were of no avail; and, on a positive refusal of the Portuguese Government to yield, Sir Lucius O'Brien proposed, in the Irish House of Commons, to send an armament at once to chastise her, in order, as he said, to show to the world, that Ireland "had vigour and resources to maintain all her rights, and to astonish all her enemies." This blustering proposition was rejected; but is it not a possible case that it might have been carried in that assembly, and that Ireland, a confederate part of the British empire, might have been placed in the singular position of declaring war against a country at peace and in alliance with the rest of the kingdom?

I would not allude to the oft-repeated case of the Regency, in 1789, but that on this point, as showing the tendency to separation, I go even further than the right hon. Gentleman (Mr. Rice) who has so ably discussed it. I maintain, that there was not only a tendency to a separation in this event, but that, for the time, it produced an actual and literal separation of the two kingdoms. The facts are well known. Ireland, during the temporary mental aberration of his Majesty, George 3rd, decided on the choice of a Regent with unlimited prerogative; whilst England was deliberating on the appointment of one with extremely restricted powers. Now, at that period, the only bond of union between the two countries was, their common Executive. The King of England was, in his capacity, *ipso facto*, King of Ireland; and consequently, his representative, the Regent of England, by a parity of reasoning, Regent of Ireland also. But the Regent, in a legislative point of view, represents, not the person of the King, but his executive authority; and to alter the nature of that authority, as represented in the two countries, was, therefore, to destroy the identity of the representative; so that, by this proceeding of the Irish Parliament, Ireland was actually in a state of separation from England for some weeks; during which the authority of the King was actually denied there, till the restoration of his Majesty relieved the country from the necessity of a Regency altogether. I know that the ordinary reply to this statement is, that the two countries, in the choice of a Regent, decided upon the same person; but it must be perfectly evident, that the same latitude which enabled them to elect the same individual with different powers, would have enabled the two Parliaments to select two different persons with the same powers, or even with different powers; thus rendering the separation of the two countries inevitable.

The hon. and learned Gentleman (Mr. O'Connell), in connexion with this topic, has introduced another argument, the principle of which I do not conceive to be very favourable to the prospect of continued connexion with two independent Parliaments. "The King of England *de facto*," said he, "is *de jure* King of Ireland," and, almost in the same breath, he continued, that "if the English nation were to elect for their monarch the present king of the French, the Irish people would be bound to resist him to the death;" and where, then, I would ask, is the *de jure* authority of the Monarch over Ireland, if it is to be at all times dependent on the taste or opinion of the inhabitants?

If, then, all bonds of union between the two countries, however modified between total subjection and perfect independence, have been found to be but uncertain securities for the permanence of their connexion, what other expedient remained to ensure its preservation, than a thorough incorporating Union? "There hath been put in practice," says Lord Bacon, "these two several kinds of policy in the uniting and joining together of States and Kingdoms,—the one to retain the ancient form still severed, and only conjoined in sovereignty, the other to superinduce a new form, agreeable and convenient to the entire estate. The former hath been the more usual, but the latter is the more happy." This sentiment of Lord Bacon has been reiterated in the proposition of Lord Minto. "When two countries are so circumstanced as mutually to require connexion, the only mode of connexion which can perfectly remove the evils of separation, and fully confer the benefit of union, is a perfect identity and incorporation of the Governments. All other relations of a mere partial and imperfect nature are subject to many inconveniences while they subsist, and are, besides, of limited duration. By limited I do not merely mean precarious; I consider their separation as not merely possible or probable, but certain." A union, in short, was found to be the only expedient to preserve the connexion, and secure the prosperity of both countries; and it is a fact, all mention of which is sedulously avoided in the present agitation, that Ireland was herself the first to propose an incorporating union of the two countries, and that, for nearly two centuries, England perseveringly rejected it. Independently of the circumstance of Irish Representatives having sat in the Parliaments of Edward 1st and Edward 3rd, and the disposition manifested towards a union in the time of Cromwell, it is a matter of record that, in the reign of Charles 2nd, in a Report of the Board of Trade to the Privy Council of Ireland, it is expressly recommended, "that endeavours should be used for the union of the kingdoms under one legislative power, proportionably as had been heretofore done in the case of Wales." This Report is said to have been drawn up by Sir William Petty, who, in his "Anatomy of Ireland?' written some years subsequently, confirms the same view by the expression of his own individual opinion.

The suggestion of the Board of Trade was, of course, disregarded then; but again, in 1703, at the moment when the Scottish Union was in contemplation, the Irish Parliament petitioned, and petitioned in vain, for a similar incorporation, the English Ministry being resolutely opposed to its concession. A Committee of the Irish House of Lords, appointed at that period to inquire into the state of the nation, embodied the following passage in their Report:—'That, upon due consideration of the present constitution of 'this kingdom (Ireland) such an humble 'representation be made to the Queen of 'the state and condition thereof, as may 'best incline her Majesty, by such proper 'means as to her Majesty shall seem fit, 'to promote such an union with England 'as may best qualify the states of this 'kingdom to be represented in the Parliament there.'

Four months after this the Queen vouchsafed an answer in the negative; and again, in 1707, the Parliament renewed their entreaties, but with similar success. An Address was then, as before, presented to her Majesty. It congratulated her on the accomplishment of the Scottish Union, "that great and glorious work," and concluded with this prayer:—'May God 'put it in your royal heart to add greater 'strength and lustre to your Crown by a 'still more comprehensive union.'* These efforts were, however, still unavailing; there was, in fact, a jealousy existing at that time in England of the proceedings of the Irish Catholics, and their well-known attachment to the dethroned monarch, James 2nd; and, as England had not, as yet, become sufficiently enlightened to prefer union to compulsion, the Protestant party of Ireland, who entered fully into her sentiments, failing to induce the Queen to join in their views of a union, had no other alternative against the designs of the Catholics than to co-operate with the Crown in adopting another expedient for their own protection,—namely, the enactment of the Penal Laws; and, as was stated by Lord Clare, in the Irish House of Commons, in 1793, on the discussion of the Roman Catholic claims,—"It was not till the attempt to unite the Parliaments of both countries had proved abortive that the great code of the Popery-laws was enacted." As these apprehensions of England wore away, and as she adopted, by degrees, a more enlightened policy, the Penal Laws were gradually relaxed, and an incorporate Union was proposed, and adopted by both countries;—and now comes the question,—has this Union realised the intended object? Has it (to try it by the same test) secured the external dignity, or promoted the internal prosperity of Ireland?

As to the question of national dignity, I shall, of course, be here met by a direct negative; for there could inhere no dignity in a nation which is stated, by the opponents of the Union, to have been utterly "annihilated" by that measure. Ireland was, we are told, annihilated and extinguished by the Union, inasmuch as it then ceased to be a distinct kingdom. But, on the same principle, Scotland must likewise have been "annihilated," when

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[*] Journals Irish House of Commons, 111, p. 638.

she, in 1707, ceased to be a distinct kingdom, on being incorporated with England; and, by a parity of reasoning, if the mere fact of incorporation by destroying distinctness involves extinction, England herself must have been annihilated when she became incorporated with the other two. So that, according to the doctrine of the Repealers, the whole empire must, at this moment, be ideal, and exist, like the universe of Berkeley, only in the imagination of its inhabitants! It is a delusion, however, to assert, that when two nations unite, they surrender or annihilate their rights; they do not surrender, but, on the contrary, they interchange and combine them. Such, at least, is the opinion of the highest authority whom I can quote on this subject — that of Grotius:—" *Si quando uniantur duo populi, non amittantur jura, sed communicabuntur:* * * * *idemque censendum est de regnis, quæ non fœdere, aut eo duntaxat quod regem communem habeant, sed vera unitate junguntur.*" "Nations," says he, "which form confederacies, communicate, but do not destroy their common privileges; and this principle holds good whether they be conjoined by an ordinary league, or by the circumstance of having one common monarch, or whether they be connected by a mutual incorporating union."

But this assertion, with regard to annihilation, is based on a fallacy so worthless that it scarcely repays the trouble of exposure. The question is one, not of theory, but of experience. Does the inhabitant of any Irish province lose aught in individual dignity by being enabled to say, that, in addition to being an Irishman, he is likewise a citizen of the most enlightened and commanding nation of modern times, not admitted by courtesy to a participation of its wealth and resources, but enjoying them as of right and inheritance? Is it no accession of dignity to an Irish member of this House that he sits here to legislate, not merely for the concerns of his own little island, but for the interests of the most opulent and powerful empire in the universe,—interests which are his own, in common with every inhabitant of Britain? Mr. Burke, in one of his most eloquent passages, has described it as the great and leading enhancement of a seat in Parliament, that it gives its occupant an opportunity, on an extended scale, "of doing good and of resisting evil." How immensely, then, has this field of senatorial ambition been expanded and increased to every Irish Representative, by the measure which gave him a voice in the councils of this huge monarchy! What a proud gratification must it have been to every Irish Member who conscientiously gave his support to the Bill of 1829, which conferred upon the hon. and learned member for Dublin and his Roman Catholic colleagues, the distinction of a seat in this House; that he was enabled, by the Act of Union, to contribute his aid to that great measure of national and political justice,—a gratification which he could never have enjoyed as a mere member of a local Legislature! Did the hon. and learned Member himself (Mr. O'Connell) feel no emotion of warrantable pride when he, two years ago, lent the aid of his powerful talents to restore the Constitution, and reform the abuses which time had inflicted upon the representation of this House; and did it never strike him, that this was a triumph which he never could have experienced as a Member of an Irish Parliament? Nor is it, that the influence of an Irish Representative has been extended to a control over the concerns of this kingdom alone; but, by the Act of Union, he has been enabled to become the advocate of the rights of the whole human race, and to co-operate in extending the reign of liberty from hemisphere to hemisphere. For my own part, I shall never fail to regard it as a proud distinction, that I have myself been enabled, during the course of the last twelve months, to contribute, by my own humble vote, to extend the blessings of freedom from the confines of India to the remotest shores of the Atlantic; to liberate the Hindoo, and to strike off the fetters of the African. These are triumphs beyond the reach of a "Local Legislature,"—these are trophies toward which the highest ambition of an Irish Parliament could never soar; these are honours which enable us, whilst we pride ourselves upon our birth-place, as Irishmen, to add to our distinctions the glory of being Britons.

I need not ask, whether Ireland has experienced an increase of prosperity since the Union? This is an admission, which, not merely the intelligence, but the experience, of every uninfluenced man, capable of forming an opinion, must compel him at once to make; and, after the thorough exposition which this point has undergone during the last three years—above all, after the comprehensive and conclusive statements of the right hon. the Secretary of the Treasury (Mr. S. Rice), it is totally a work of supererogation to attempt to enter into any further proofs upon a subject where every circumstance is an evidence, and every aspect an argument. This, at least, is a department of the inquiry in which declamation and sophistry are of no avail against calculations and figures. Every statement which can be looked upon as authority, concurs in the same representation, and affords us the fullest evidence that, during the last thirty years, the prosperity of Ireland has been the greatest in any interval of her history. During this space her shipping trade has been doubled:

	1801.	1831.
Inwards	711,242 tons	1,420,382
Outwards	703,717 —	1,073,545

Her imports and her exports have been increased in a like proportion,—

	1801.	1825.
Imports	4,621,344 tons	8,596,785
Exports	4,064,545 —	9,243,210

Her cotton trade has been actually *created* since the enactment of the Union, whilst its rival, her linen trade, instead of decreasing, has been nearly doubled:—

1800	36,112,361
1830	57,947,413

Her exports of corn have been increased sixfold:

1800	379,679 quarters.
1826	2,226,774 —

And that of live stock no less than tenfold:

1800	19,891 head.
1826	196,807 —

Nor, with these evidences of external traffic, have we less conclusive testimony of the growth of internal comfort in the home consumption of the country. The importation of coals, since the Union, has risen from 360,000 tons, to nearly 900,000. The consumption of wines and spirits, and of tea and sugar, has been more than doubled:—

	1800.	1830.
Wine and Spirits	4,295,499 gals.	9,137,015
Tea (in 1828)	2,773,070 lbs.	3,887,955
Raw Sugar	226,936 cwt.	342,701

And that of coffee has been actually twelvefold increased:—

	1800.	1830.
Coffee	78,370 lbs.	898,363

I may be pardoned, if, in concluding this topic, I adduce, as an example of the benefits of the Union, the instance of the town from which I have, on a previous evening, presented so important a petition—the town of Belfast. It affords, perhaps, the most striking, though by no means an insulated example, of Irish commercial advancement, as promoted by the Union. Population, and its increase in agricultural districts, can scarcely be relied on as an unerring test of prosperity; but, in trading towns, where the means of support are dependent on the extension of traffic, its increase or decrease is an unquestionable evidence of the rise or the decline of prosperity. Now, the population of Belfast was, before the era of Irish independence—that is, in 1779, about 13,000; during twenty years, it increased but one-fourth, and was, at the time of the Union, in round numbers, 19,000. In 1816, it was 30,720; in 1829, 55,158; being an increase, since the Union, of more than four-fold. The quantity of shipping which entered the port in 1786, amounted to 761 vessels, of 38,421 tons burthen: at the Union, in 1800, they were 856 in number, and the tonnage 67,855, an increase of about one-third. There were, last year, 2,600 ships, with a tonnage of 264,377, being an augmentation, since the Union, to triple the amount in number, and quadruple in quantity. At the time of the Union, there was not a cotton nor a flax mill in Belfast, and the cotton trade alone now gives occupation to upwards of 10,000 looms; and, taking the receipts of Customs and Excise as a fair test of the produce of home manufactures and foreign trade, they afford a most singular evidence of the comparative influence of union and independence. The Custom-house receipts were, in 1782, 60,000*l.*; twenty years afterwards, in 1800, when we had had a full experience of the influence of a free constitution, they were 62,668*l.*, showing an augmentation of but one-thirtieth in all that period. The Union took place in 1800, and five years afterwards they were 228,645*l.*; they were, in 1820, 306,263*l.*, and are, at this moment, upwards of 400,000*l.*; showing that the trade of the north of Ireland, has actually doubled in every period of five years since the Union. I say the trade of the north of Ireland, for, although I do not mean to generalize this instance over the whole kingdom, Belfast is certainly the emporium and the dépôt of Ulster, and I have sufficient evidence to show to the House, that the improvement in the entire of that province has been uniform and immense. I hold in my hand a return of the produce of stamps in the Antrim district since the Union, by which it appears that, from 1800 to 1814, when the proceeds were diminished by the reduction of the rate of duty, the gross receipts for stamps had risen from 6,198*l.* to 20,604*l.*; that of advertisement duty, from 567*l.* to 2,275*l.*; insurance duty, from 448*l.* to 1,445*l.* (and it was last year 2,944*l.*)—and the total revenue in these departments, from 6,766*l.* to 35,163*l.*; and though, owing to the reductions in 1814, it has been considerably decreased in amount, it is at this moment nearly 20,000*l.* per annum. These, Sir, are our proofs of prosperity—these are the considerations that render us attached, and warmly attached, to British connexion—these are the blessings that we have derived under the Union—and, looking to these, all we ask from the hon. and learned Gentleman is, in his own emphatic phrase, that he will "let us alone."

> ——— "We seek no change,
> And, least of all, such change as *he* would
> bring us."

But, whilst I contend for this singular increase of national prosperity, I by no means assert, that the Union is its direct and originating cause; I do not say, that, because the two were concurrent, the one is consequential. I cannot suppose that there is any thing talismanic in the mere abstract fact of a Union, any more than in the mere abstract state of distinctness to generate wealth, or to originate prosperity. I do not conceive, that the Union is in itself prosperity, merely because it promotes and diffuses it, any more than I believe that a lens is light, because it collects and concentrates its scattered rays. The Union is not the cause of the prosperity of Ireland—it is only the medium through which she has received and enjoyed it. The source of her prosperity has been British connexion, and the participation of British resources. It is a singular fact, connected with the trade of Ireland, which I have omitted to mention, that the increase of her imports and exports has been confined to her commerce with England alone. In her foreign trade, Ireland has hardly advanced a single step since the Union, but through her intercourse with England her progress has been immense; her British imports having increased, in thirty years, from three millions to seven millions, and her exports from three-and-a-half millions to nearly nine millions, whilst her foreign traffic has been almost stationary.

	1801.	1830.
Imports from foreign ports	£1,350,294	£1,547,849
from Great Britain	3,270,350	7,048,936
Exports to foreign ports	256,819	711,854
to Great Britain	3,537,725	8,531,355

With proofs such as these before us of our utter dependence upon British connexion, and upon admission to a participation in British resources, the question of Union resolves itself, in my mind, into one simple, and, I think, incontrovertible proposition. In what position will England be most readily inclined to benefit Ireland, and assist her in her progress—as her partner or her competitor—as her rival, or as an incorporated portion of her own empire?

I have but one other point to allude to, and have done with this inquiry. I admit it is the most painful and the least satisfactory. Has the Union succeeded in producing peace and tranquillity in Ireland? Unfortunately, as yet, the answer must be in the negative. It would be interminable to enter into the causes which have produced this failure, or to trace the means by which the factious and the vile, the disaffected and the corrupt, have succeeded in operating on the crude minds of the Irish peasantry, so as to thwart and defeat every project for her happiness and welfare. The means by which, whilst the Creator has designed Ireland for a paradise,

> "Man enamoured of distress,
> Has marred her into wilderness."

The causes are innumerable; the remedy is contained in one single sentence—relieve the destitute, and educate the people. It is to this expedient we must come at last, when bayonets and violence have failed of their object, and when Insurrection Acts and Bills of Coercion have become but a dead and inoperative letter. It is the destitution of the Irish poor, and the ignorance of the Irish people, that exposes them as a ready prey to the dominion of priestcraft, and the delusions of demagogues. It is their ignorance that inclines them "to listen with credulity to the statements of every adventurer who can declaim of patriotism, and the deceptions of every impostor who, at whatever risk of detection, can promise to them an improvement of their condition. Educate the people, and you raise them at once from this foul degradation. Enable them to examine and judge for themselves, and you liberate them from the thraldom of the political priest and the delusions of the trading agitator. This is the only expedient to restore Ireland to peace and to happiness, and this alone can possibly bestow on her that thorough and absolute independence of mind, not less than action, to which the hon. and learned Member for Dublin has taught her to aspire.

But I have understood from the speech of the hon. and learned Gentleman (Mr. O'Connell), that it is not total independence which he seeks to secure for Ireland by the Repeal of the Union, but a sort of dependent connexion—"a federal Union," as he calls it; a power to deliberate of her own authority, for her own local affairs, but to leave all matters of external and national legislation to the British Parliament. Now I would appeal to the House, to the country, to the speeches of the hon. Gentleman himself, whether the plan he has here proposed be commensurate with the object for which he has taught his countrymen to clamour, or whether it would be a realization of the hopes which he has encouraged them to cherish? Every patriotic Repealer in Ireland professes, that his object is to render Ireland an independent nation, and no longer a subordinate province. "If I were asked," said Lord Minto, "to describe an independent nation, I should say it was one which can make war and peace, which can gain dominion by conquest, plant colonies, and establish foreign relations; and if I would describe a subordinate and dependent province, I should say it is one which must contribute her quota to all the wars of a neighbouring kingdom, incur all the risks, and partake all the disasters, while all that is acquired by success falls to that country, with which it nevertheless claims to be co-ordinate and co-equal." Granting, then, the full measure of Repeal for which the hon. and learned Gentleman has asked, I would leave it to the most simple-hearted advocate of the measure in Ireland, to say which of his Lordship's definitions would apply to Ireland in her new capacity:—whether that of an "independent nation" or a "subordinate province?" Is Ireland in this new form of Government, to have any discretion in matters of war or peace, or is she not, as before, to follow implicitly the dictates of England? If she is not, separation, I contend, must inevitably follow sooner or later; and if she is, she is, of course, to be dragged in as heretofore for her share of all the costs and expenditure. Is she to have any control over the services, the number, or the pay of the very army which is to protect her, although she must, of course, bear her proportion of the expenses, however vast may be the armies of England? Is she to have any authority over the navy of the empire, its numbers, or its equipments? No, but she must, in this case also, bear her part of the burthen. Her commerce is at the present moment dependent exclusively upon her intercourse with Great Britain and her colonies. Is she to have such a power vested in her Parliament as will enable her to legislate independently for her own interests in either of these departments? Is she to have any control over the affairs of the Irish Church, its revenue, or its appropriation? This, at least, she will not attempt, constituted, as her Parliament would be, of Roman Catholics, or their adherents, to arrogate to herself.

If, then, she is to have no authority of herself in matters in which she is most nearly interested, in war or peace, alliances or treaties, commercial, colonial, or ecclesiastical arrangements, I would ask, whether this be the full national independence for which the hon. and learned Gentleman has taught his countrymen to insist? And will the Irish peasantry be so dull as not to discover the cheat?—will they not demand from the hon. and learned Member, whether this be the independence they were taught to struggle for?—whether it is for this subordinate rank they have been holding their tumultuous meetings, and signing their petitions, deserting their peaceful industry, and robbing themselves and their families of the very necessaries of life, in order to raise 15,000*l.* a-year for the hon. and learned member for Dublin? No doubt the hon. and learned Gentleman's eloquence will be sufficient to avert their indignation; but even should it fail with a few, he will still have the consolation of an amiable character in Horace—

> "Populus me sibilat, at mihi plaudo,
> Ipse domi, simul ac nummos contemplar in arcâ."

This, then, at length, is the hon. and learned Member's plan for getting rid of the "Sassenach" and the "Stranger." It is thus he proposes to liberate Ireland from the thraldom of "the Saxon Parliament"—this is his notable expedient to render Ireland once more

"—— Great, glorious, and free,
First flower of the earth, and first gem of the sea."

Sir, I know the ardent and susceptible temperament of the Irish people; I know how deeply the love of country and of freedom is engrafted in every Irish bosom, and how every appeal to these wins its way to the heart; and is it not a cold-blooded tampering with the feelings and passions of the nation,—is it not a seething of the lamb in its mother's milk,—thus to controvert the best affections of a people into instruments wherewithal to delude and to plunder them? But we have at least learned this by the present discussion,—that the hon. Member's object in the Repeal of the Union, is not to render Ireland an independent nation, but to establish a sort of federal connexion between her and Great Britain. I remember, Sir, a very striking description of that kind of connexion given by the Irish Speaker, Mr. Foster, in the year 1800. "It must ever be the dearest interest of Ireland," said he, "to be an unalienable and inseparable part of the British empire, not joined together by the nonsense of a federal union, a connexion which hangs on a thread, exposed to all the attacks of party, and all the effects of accident; and unfortunate, indeed, would it be for us if Ireland were held by a connexion of the mere person of the King." And it is with this "nonsense" of a federal Union with which the hon. Member now comes forward to appease the excited imaginations of the deluded people of Ireland!

Against such a species of connexion we have not only all the arguments of theory, but all the practical experience of history to warn us. Its inherent and fundamental defect is, that with an external appearance of identity, it tends to cultivate a feeling of distinctness: distinctness in individuals is but too frequently synonymous with opposition, and in nations it is often a convertible term for hostility, and always for rivalry. There is in every confederacy of this kind not only a distinctness in the interests of the two nations, but even in the separate interests of each; each has its private and its public interests, its imperial and its local interests. These distinctions invariably and inevitably lead to jealousies and competitions, more especially, as in the case of Ireland, where there is a manifest inequality in the power of the confederate parties. All these are feelings and passions which do not fail to exhibit themselves even in moments of common danger, and which all tend, sooner or later, to one common goal, and that goal is separation. Have we not existing examples of these facts at this very moment? Have I not described in these very terms the present condition of the United States of America? America, I admit, is a bad example for either party, because it is an imperfect example; its Union is too recent to form an illustration for my opponents, and too green, too unripe, to afford a satisfactory argument to myself. But I conceive that it must be evident to every individual who knows the condition of that country; the jealousies of the northern and southern States; the distinctness of interests on which each is dependent, and the disunion in feeling which already exists and is rapidly gaining head amongst them, that before many years have elapsed—so soon, at least, as they have strength to warrant them in making the attempt—we shall have more than one Carolina preparing to repeal the North American Union.

The whole range of history cannot furnish us with an example in which these species of confederacies, from their internal weakness and the defects of their constitution, have not fallen an easy prey to foreign enemies, or dropped asunder by their own rottenness. The instance of Spain and Portugal is in every respect a perfect illustration of the proposed federal union between Ireland and this country. Philip 2nd of Spain claimed the throne of Portugal in right of his mother, and in 1581 the two kingdoms formed a federal union under one crown, on the express stipulation that Portugal was to continue a distinct kingdom. How long did this connexion last? Not sixty years. The jealousy of the weaker country could not brook the connexion, and, in 1640, Philip 4th was expelled, and John of Braganza seated on the independent Portuguese throne. And what has been the result of that independence? Would any Irishman wish to see his country placed on a footing with either nation of the Peninsula to-day? Denmark, Sweden, and Norway, formed a similar federal union, in 1397, by the Treaty of Calmar. It lasted scarcely three generations; being dissolved by the revolt of Gustavus Vasa, in 1523; and the union which now subsists between Sweden and Norway, I have good authority for saying, has no other effect than, by the mutual jealousies of the two nations, that of subjecting both to the intrigues and influence of Russia.

Internal enemies have ever found such alliances the most favourable to their schemes of conquest and subjugation. It was, by attacking independent Ireland that the enemies of England have ever sought to aim a fatal blow at her. Witness the expedition of the Spaniards, in the reign of Elizabeth, and afterwards in 1717; the efforts of the Pope, in the time of the Commonwealth; and of the French at Carrickfergus, in 1760; at Bantry, in 1796; Killalla, in 1798. Had the seven provinces of Holland been incorporated into one nation, instead of hanging together by a thread, each State possessing a negative on the general will of the confederacy, could they have been overrun, in nine days, by the French, in 1795? In Holland, too, we have lately had a "repeal of the Union," and what does it promise for either country? It has left Holland a shattered and decaying trunk, and Belgium a reed shaken by the wind, and both, in all probability, likely one day to fall before the ambition of France, or some other continental neighbour. Germany and Switzerland have each in turn felt the weakness of federal alliances against external aggression, and, in short, the whole range of history can furnish forth no one precedent of such an alliance being either prosperous in its condition or permanent in its duration. If we would form a conjecture of the probable duration of power in any dominion, we have, in fact, only to inquire whether its subjects be united and identified, like those of China, or divided and independent, like the hordes of Arabia and Tartary.

One fact we have learned beyond a question or a doubt, from the experience of seven centuries in Ireland, that whilst British connexion is indispensable to the well-being of both countries, that connexion can never be secured unless by the thorough union or the thorough subjection of Ireland to Great Britain. Every intermediate system has been tried in vain, and the nearer the terms of connexion have approached to independence, the nearer have we invariably approached to total separation. Witness the rebellion of 1798; when, in the very midst of her enjoyment of an independence of which Ireland boasted with even childish vanity, the whole country was deluged with the blood of a civil war, entered on avowedly with the intention of a final disruption of connexion with England, and the establishment of an Irish republic in alliance with France. Had such a project succeeded, the first duty of England must have been a second conquest; the safety of every coasting town from Cornwall to the Hebrides must have demanded it. Could British trade be carried on with safety? Could British merchant vessels pass in security through the Irish Channel, whilst a French or Irish navy lay at anchor in the Irish harbours? To leave Irish interests out of the question altogether, the interests of Britain demand that Ireland must be either her friend or her dependent—the *alter ego*, or the subject of England. Every approach from subordination to independence is an advance towards separation. It is, in fact, striking off link by link the ties by which the superior country retains the weaker one, and entire independence is only attained by breaking the last thread which holds the kingdoms together. The only expedient which can ensure, and which has achieved, perfect independence coupled with indissoluble connexion, is an incorporating Legislative Union—a Union which, by placing the liberties of the two countries on the same basis, ensures a community of laws, and, by identifying their power, destroys the struggles of competition and the sense of dependency.

Not only do I consider that Union, as it at present stands, to be sound in its nature and beneficial in its results, but, what is of almost equal importance in the present position of affairs, I believe the reflecting portion of the two nations to be so fully satisfied of its advantages, as it exists, and of the ruin which must inevitably ensue from its repeal, that I look on the accomplishment of that measure as utterly and absolutely impracticable, and its present agitation to be fraught at once with mischief and delusion. There is one feature in the present discussion which the multitude at least seem totally to overlook. We are not now deliberating the propriety, in case no union had ever existed, of establishing it, but the expediency of its abolition now, after its having existed for four-and-thirty years; and when the hon. and learned Gentleman stated last night that, by the repeal of the Union he sought merely "to place Ireland in the same situation in which she had stood before the enactment of that measure," he appeared to overlook altogether one material element which should enter into his calculation; he forgot altogether that other measures of the utmost constitutional importance have been passed in the interim, and are even now acting upon; and looking at the matter in this point of view, there are two insuperable obstacles which have in the mean time erected themselves against the Repeal of the Union—two barriers which, taken together, are in my opinion insurmountable, and those are, Roman Catholic Emancipation and Parliamentary Reform.

Sir, I should be the last individual to introduce sectarian prejudices in this House, or to give utterance to language here which might tend to perpetuate sectarian distinctions beyond it; but as I look upon this topic as vitally and inseparably connected with the present question, I shall not hesitate to deal with it unreservedly; I know that in doing so I shall expose myself to slander and misrepresentation elsewhere, and I know that I shall incur the risk of being again denounced in Ireland, as I have already been, by the hon. and learned member for Dublin, in that strain of mingled filth and eloquence which, out of this House, is so peculiarly his own. I am, and ever have been, a friend to the emancipation of the Roman Catholics; but, in common with almost every liberal Protestant with whom I have spoken on the subject in Ireland, I have been compelled at last to question, not the justice of that measure —for that I have never for one moment doubted—but the existence of the contentment and moderation which we were led to hope would have been exhibited by the Roman Catholics after that measure should have passed. Their own proceedings during the last three years have compelled us at last to alter our opinions of the objects of the Roman Catholic body and their leaders; and if I am less liberal in my opinion of them to-day than I was twelve months ago, I can safely say I owe my conversion, in common with thousands in Ireland of similar sentiments, to the proceedings of the hon. and learned member for Dublin and his associates. Let him (Mr. O'Connell) pursue his present career but a short time longer—let him continue to arouse the passions and the jealous ambition of the Roman Catholics of Ireland—and before twelve months shall have elapsed every Protestant in the country must, for the preservation of his property, become in his own defence a conservative.

I consider it, Sir, as a circumstance not a little extraordinary, that the Roman Catholics, who are now the exclusive friends of Repeal, were, in 1799, if not the active promoters, at least the silent advocates of the Union. Their motives, in both instances, are simple and obvious. They supported the Union as the only expedient through which they could ever hope to obtain the remission of the penal laws. The obstacles to their emancipation by the Irish Parliament were insurmountable, because, being in that country the majority, their admission to a share in the Legislature, with their known hostility to Protestantism, would have been certain destruction to the Established Church, and the other Protestant institutions of Ireland. It was evident, therefore, that an Irish Parliament never would, because with safety it never could, admit their claims; but it was equally evident that a united Parliament might, because the Protestant party of Ireland being then incorporated with that of Great Britain, the two united would form as great a majority, in proportion to the Roman Catholics of the kingdom, as the latter, taken in a separate state, did to the Irish Protestants.

Mr. Hutchinson, and other strenuous advocates of emancipation, did not fail to state in the Irish House of Commons, in 1799, that they advocated the Union mainly on the ground of it being the only possible avenue to the enfranchisement of the Catholics. Mr. Pitt, in introducing the question of the Legislative Union to this House arrived at the same opinion; and at the very moment when he confessed himself friendly to their claims, he admitted that 'no man could 'say, that in the present state of things, 'and whilst Ireland remained a separate 'kingdom, full concession could be made 'to the Catholics, without endangering 'the State, and shaking the constitution 'of Ireland to its centre.' Nor was this feeling peculiar to the friends of the Roman Catholics alone: it was entertained in an equal degree by their bitterest opponents. The celebrated Dr. Duigenan, a man who owed his notoriety in Ireland to his furious hostility to their claims, admitted, long before a union was seriously proposed, and published it as his opinion, that if that measure were once carried, his hostility to emancipation would be at an end, and that no further pretext could exist to the continuance of the Penal Laws. "If," said he (Dr. Duigenan), in his answer to Mr. Grattan's address, in 1797, 'we were one people 'with the British nation, the preponderance of the Protestant body of the whole 'empire would be so great that all rivalries between Protestants and Romanists 'would cease for ever, and it would not 'be necessary for the safety of the empire at large to curb the Romanists by 'any exclusive laws whatsoever.' This sentiment was again and again expressed, both by the friends and the opponents of the Roman Catholics—both in this House and in Ireland, by Mr. Addington and Lord Castlereagh. Lord Sheffield and Lord Minto, by Lord Clare, and Lord Yelverton, and the argument of course had all due weight with both parties. By the Protestants, the Union was accepted as a safe and satisfactory guarantee for the concession of emancipation, and by the Catholics it was looked on as the best and most honourable security which they could offer to their brethren of the established religion—and hence their support of the Union in 1799.

It was the conviction of its safety, as insured by the Union, that operated with the Protestant Parliament of 1829 to pass the Roman Catholic Relief Bill. If, then, that Union be now repealed—if you cancel the only guarantee which the Irish Protestant conceives he now holds for the security of his private property and of his public institutions, what other are you prepared to give him in its stead? On the faith of the Union he surrendered the security which he held on the Penal Laws; if you deprive him of the one, are you prepared to re-enact the other? To repeal the Act of Union now would be precisely to place the Irish Parliament in the same position in which it would have stood had Emancipation and Reform been carried before the incorporation of the two countries. The effect of such a measure then was thus described by a Member of this House, Mr. Douglas, who was afterwards Lord Glenbervie:—'I have no scruple to 'state my opinion,' said he, 'that any 'attempt to grant what is called Catholic 'emancipation, whilst the local Parliament of Ireland remains, would excite 'such a struggle between property and 'numbers as would greatly aggravate 'many of those mischiefs which now exist in Ireland, tending to revolution and 'separation, through the medium of a 'civil war of the most destructive and ferocious kind.' I may be told, Sir, that Lord Glenbervie, though friendly to the Union, as a step towards Catholic emancipation, was in reality no friend to the Catholics. I shall, however, quote to the House one other opinion on this subject, to which this objection cannot lie. The author of a popular work, which was published in Ireland during the debates on the Union, thus speaks of the effects which Reform and Emancipation together would have had on an independent Irish Parliament. 'Reform 'the Irish House of Commons,' said the writer, 'and you have democracy — the 'consequence is unavoidable if the alteration be on a very capacious scale; repeal the distinguishing laws—good; but 'you cannot by your Act of Parliament 'reach the spirit of distinction;—the tendency to disunion will still subsist with 'all the irritating circumstances which 'accompany that temper * * * If many 'Roman Catholics get into Parliament, 'they will form a Catholic opposed to a Protestant faction, precisely as in the last 'century, when the parties ran at length 'into civil wars, in which one was reduced 'to a pitiable state of subjugation.' This was the prophecy of no Protestant bigot, no exclusive churchman; these are the words of a distinguished Roman Catholic barrister, Mr. Theobald M'Kenna, who was himself, I believe at one time the official organ of the Roman Catholic Association in Ireland. Such, then, on the showing of one of their own body, would be the result of restoring the Irish Parliament, constituted, as it would now be, of a large proportion of Roman Catholics; for observe, this author does not say that it would require even a majority to produce this jealousy and discord. To leave Protestant institutions and the Protestant Church out of the question altogether, would Protestant property be secure amidst the contentions of these Protestant and Catholic factions? Nine-tenths of this property had been confiscated at various times from Roman Catholic insurgents—unjustly confiscated, as their descendants contend; no prescription, it was known, can amend a defective title, and would these descendants fail to reclaim their rights? We are told, to be sure, that they have no such intention, that the title of the public will be respected; but we should never forget, that we have fallen upon days when men do not blush, even in this House, to ridicule the "cant of public faith." It is not without cause that anxiety and alarm were felt for the present political movements of the Catholics in Ireland; their want of candour destroyed all reliance in their sincerity; they seemed constantly to act with two objects—one ostensible and the other concealed. They advocated the Union in 1799 with a view to Catholic Emancipation; and now the hon. member for Dublin tells us, that he only advocated emancipation in order to get rid of the Union! After the most solemn assurances, reiterated throughout thirty years, that Catholic emancipation was all that was wished or wanted to quiet the country, we are now unblushingly told that those professions were a mere *ruse de guerre*, and that so far from emancipation being the end of their desires, it was only sought for as the "means to the end." When, then, are we to get rid of this jesuitical agitation—when are we to learn the real end to which the hon. and learned Member is looking? When the Roman Catholic priesthood, in 1829, were rebuked for their interference in political agitation, and reminded that such employments were unbecoming their sacred profession, what was their reply? "We agitate," said they, "for our religious rights, for the independence of our Church; we consider ourselves called on to do so in right of our profession; grant us but this, and we will at once retire to the bosom of our flocks, and leave political agitation to laymen." Now, have they kept those promises? have they retired from the political arena? On the contrary, are they not at this moment the active agitators in almost every Irish parish? Are not the chapels the theatres of political discussion? And do they not collect round their very altars the miserable pittance of the peasant, which is to form at once the stimulant and reward of agitation? Are they not at the present moment the most active agents of one-half the elections in Ireland? Is not the elective force of one-half the constituencies which send Members to this House marshalled and officered and directed by Roman Catholic priests? Should this create no alarm in the independent Irish Members of this House, whom a Repeal of the Union would send single-handed to contend with this gigantic influence—an influence which we see every day and every hour becoming more firmly grounded, and more openly and unreservedly exerted? Do the priesthood of Ireland exercise no undue, no unconstitutional authority, when they arrogate to themselves the choice of representatives to be sent to this House; when their dictum is the fiat by which a Member is to be returned, and their displeasure a final and fatal sentence that he be returned no more? Is their influence to excite no alarm when we see, month after month, Members of this House denounced to their constituents for their conduct here as traitors to their country, and enemies to Ireland? Must not their influence be unprecedented and resistless, when even the hon. member for Dublin—he, who in his own person possessed more Parliamentary patronage than any ten Boroughmongers swept away by the Reform Bill—when even he found it expedient, in order to secure his election for Clare, to fall prostrate before a passing priest, and to address him in that attitude, at least, if not with homage, which freeborn man reserves for his Creator alone. To Repeal the Union now, would be to hand over Ireland to the control of men such as those whose influence we know, and whose ambition we have every reason to dread. That influence, and that ambition, have been hitherto controlled and rendered harmless; first by the penal laws, and next by the Act of Union; and, though I should be the last individual in existence to tolerate a return to those unjust and impolitic laws, I repeat, that on every principle of fairness and justice, in the event of the repeal of the one guarantee, the Irish Protestant can only be confirmed in his security, by the re-enactment of the other.

The hon. and learned Gentleman (Mr. O'Connell) has dwelt long and powerfully on the historical evidences of the atrocities and corruption by which the Union had been carried. But however revolting and opprobrious these facts must be, and no man is more willing than I am to admit their enormity, I confess that I am unable to discover how these external circumstances can possibly afford internal evidence of the merits or demerits of the Union. Suppose all the circumstances to which the hon. and learned Gentleman has alluded to be conceded, still I cannot conceive that he has made one single advance towards convincing the House of the iniquity of the object, by simply reprobating the iniquity of the means. But, besides this, I think the question of corruption is an unfortunate topic to be broached by the hon. Member (Mr. O'Connell). If it prove anything, it proves merely this;—that in the brightest era of Ireland, in the high and palmy days of her independence, she was liable to be seduced, and actually was seduced, by the resistless force of English influence. Is she in better condition to resist it now? Is her virtue more incorruptible, her patriotism more stern, to-day, than in the days of Grattan and of Ponsonby, of Flood and of Charlemont? Are we to suppose that the Parliament of 1799, under the leadership of such men as these, was less sterling in its purity than an Irish Parliament would be in 1834, under the guidance of the hon. member for Dublin? But if we had paid and purchased advocates of the Union in 1799, have we no paid opponents to it now? If the argument is worth anything in the one instance, it is equally good in the other, and if the introduction of money can throw a suspicion over the enactment of the Union, must it not equally cast an imputation on its repeal? The hon. and learned Gentleman may discover a salutary warning for himself, in his own eloquent denunciations of his predecessors. If the touch of gold has cast a shadow over their reputation, will his own go down to posterity more pure and unspotted? or will not the hard-earned pittance of the Irish peasant cling to him like the silver of Naaman to the servant of Elijah, entailing on his memory the taint of avarice, and on his motives the leprosy of suspicion?

The hon. and learned Gentleman has alluded to the evils of absenteeism, and the miseries which it had inflicted upon Ireland; but he does not surely mean us to infer, that absenteeism, is an evil which has had its growth since the Union. He must surely be aware, that centuries had elapsed since it was denounced as the curse of Ireland? He must certainly remember, that it was computed by Prior to drain off nearly one million and a-half of her specie, so long since as the middle of the 17th century, and that nearly a century later it was proposed by Lord Hardwicke to the Irish Parliament in 1773, to restrict it by an onerous tax? All this was before the Union, before the Parliament was removed from Dublin to England. But has the residence of the Parliament in this country exempted England from absenteeism? Has a local Parliament had the effect of detaining in this country the hundreds of thousands of Englishmen who swarm in every continental city, from the Rhine to the Tiber? And will there be any magical attraction in an Irish Parliament, when even the allurements of a British Court have failed to arrest the fugitives? Sir, it is not the absence of a domestic Parliament, but the absence of domestic peace, which has increased the band of Irish absentees, and it is the restoration of tranquillity, and not the restoration of her Legislature, to which we are to look for their return. I would trust that his Majesty's Ministers will not rest content with the mere issue of this discussion, in exhibiting the delusions, and demonstrating the impracticability of repeal; but, in pursuance of the suggestions contained in the petition which I had last evening the honour to present from my constituents, I would hope, that they will adopt such legislative enactments as may put "a speedy and a final termination to its agitation—an agitation which is alike dangerous to the prerogative of the Crown—to the influence and authority of Parliament—and to the peace, prosperity, and greatness of the empire." It was an observation of Cowley, as applied to Cromwell, that when the Almighty in his vengeance, saw fit to visit Egypt with his wrath, he sent not upon her the lion or the tiger, the fierce and lordly monarchs of the forest, but the toad and the reptile, the fly, and the creeping thing. The inference applied with less force to Cromwell than it does to Ireland at the present day, when Heaven, in its anger, has cast upon her a worse than Egyptian plague; it has selected as its scourges, as the instruments of its chastisements, not the noble and the illustrious, but the base and the indigent of the land. They are not the men of rank and of intelligence, the opulent or the influential, who, at the bidding of the hon. and learned Gentlemen and his associates, disturb the tranquillity and retard the improvement of every Irish hamlet; but the needy, the adventurous, the turbulent and the unprincipled—men, who have all to hope for, and nothing to risk, by agitation and tumult. How, long, then, were those petty despots to be permitted to reign and to riot unrestrained? Have not the Irish people a right to look to this their Parliament for protection from their outrage, and a release from this domination?

Whilst I feel, Sir, that I have trespassed longer, much longer, than I had any pretensions to do on the attention of the House, and whilst I am unable adequately to thank them for the patient hearing which they have vouchsafed to me, I cannot but feel regret that, after having said so much, I shall still be compelled to leave so much unsaid. I shall conclude, however, with the forcible and impressive declaration of the ill-fated Lord Kilwarden on the same subject—'That I regard the Union with 'Great Britain on the terms of equal 'laws and equal commerce, of mutual 'trade on equal principles, and taxation 'proportioned to the abilities of both 'countries, as essential to the stability of 'the empire, the preservation of the religion, the independence, and the tranquillity of Ireland. I am on the point 'of giving my vote upon this momentous 'question, and I do most solemnly declare that I think the vote I give is for 'the preservation of my country, its laws, 'and its religion, and for the peace, the 'happiness, and the prosperity of all its 'inhabitants; and were it the last word 'I was to utter, I would say—Content.'

Mr. *Feargus O'Connor:* If the right hon. Gentleman opposite (Mr. Spring Rice) with his acknowledged talent and long experience, was entitled to the indulgence of the House, I trust, that in rising to speak on a question of the greatest magnitude and importance that has ever been discussed within these walls, I do not ask too much in requesting the fullest measure of indulgence; and although I undertake an awful and arduous task, yet do I not shrink from its performance, feeling as I do that the cause which I now advocate is based on wisdom, justice, and true policy. That this discussion ought now to take place, no man will deny. Perhaps some of the friends of this Motion properly doubted the propriety of bringing it forward last year, when the public mind was irritated by the Coercion Bill, and misrepresentations of different kinds. Again, if the question had been brought forward at that time, it would have been deprived of much valuable support. Many hon. Gentlemen were then ready to support his Majesty's Ministers, believing that it was likely that the benefits of a Reformed Parliament would supersede the necessity of domestic legislation. But all their hopes on that head have been blasted, and the question has now assumed another and a more important character. It is now no longer to be considered a mere deformed monster of faction; its shape is changed, and the question which we are now to decide upon is, whether Ireland shall henceforth be an independent kingdom, the right arm of Britain, or whether she shall be a coerced and impoverished province, a disgrace to herself, a shame to her representatives, a drag-chain on British industry, and a beggar at Britain's gates. Had any ameliorating measures been brought forward for Ireland, we should have had to contend for repeal under greater difficulties than now. Had his Majesty's Ministers shown even the slightest disposition to ameliorate the condition of the people of Ireland, a sound and valid reason against this discussion would have been afforded to many hon. Gentlemen, who now feel themselves compelled to support the measure. I am perfectly aware that we cannot hope all at once successfully to contend against long prejudices, predetermined opinions, and deep-rooted national pride. But we will hold onwards—we will proceed in our virtuous and noble course, and depend upon it, to a moral certainty, that sooner or later justice will triumph over bigotry and intolerance, and Ireland will again be a nation. In discussing this great question, I shall follow rigidly the advice of the right hon. Gentleman opposite. I shall not enter into a discussion of seven centuries of oppression to which Ireland has been subjected. Would to God the infidelity and cruelty of Britain towards that country could be altogether erased from the annals of our nation. Ireland if we could forget these things, would be in a better position than now. I shall not recall the religious persecution, the mental coercion, and the bodily torture inflicted upon our forefathers by the despotic hand of Britain. Laying these aside, I shall follow the advice, but not the example, of the right hon. Gentleman. I shall forget that I have constituents; but I shall never forget, as he has done, that I have a country. I cannot be expected to follow the right hon. Gentleman through his labyrinth of financial details. I cannot enter on the subject of Ireland's independence with the cold-blooded feeling of an arithmetician. But, however, in the outset, I must caution the House against listening to the monstrous proposition of the right hon. Gentleman—namely that a transfer of some pounds, shillings and pence to the Irish treasury is a good set off against Irish wretchedness, beggary, starvation, and inducement to the commission of crime. I trust I shall follow his advice to the letter. It never has been my manner to give offence; and I venture to assert that, throughout this night, I shall not use the slightest expression that shall give offence to any individual living. I wish that the hon. Gentleman who has just sat down (Mr. Emerson Tennent) had followed that advice. He stated, when commenting upon the description of the advocacy of the hon. and learned member for Dublin, that it was a mixture of filth and eloquence. I reject the hon. Gentleman's filth, and shall try to find if there be a single argument beaming through his eloquence worthy of being answered. I am happy, very happy, that the lot fell upon such an individual to second this amendment. It bids fair for the future success of the cause of repeal, that this resolution has been seconded by one who attributes the whole agitation of the question to priestcraft, and who did his utmost to rake up the ashes of religious discord and dissention, by invoking the spirit of Protestant Ascendancy to aid him in resisting the Motion of the hon. and learned member for Dublin. I regret, however, that he did not, at all events, give his argument more weight by enforcing it more modestly. But why did not the hon. Gentleman compare notes with the right hon. Secretary opposite, before he made his speech? It is to be lamented that that speech was framed before the right hon. Gentleman delivered his; because nothing is of more importance than that two persons, speaking on the same side of the argument, should agree in their facts. But, I ask, is there not a vast difference between the statements of the hon. Member and those of the right hon. Secretary? The hon. Gentleman states, that such was the poverty of the Irish people previous to the Union, that up to a certain period, they had not a home-market for the sale of their surplus produce; whereas, last night, the right hon. Gentleman told us that it had cost us many millions to import English corn into Ireland. The hon. Gentleman also stated, that the consumption of wine in Ireland, since the Union, had considerably increased; while the right hon. Secretary admitted, that the consumption had decreased forty-five per cent. Now, I ask, are not these inconsistencies sufficient to induce this House to give the question a fair hearing, to argue it fully, and not decide upon it until after due and impartial consideration? The hon. Gentleman spoke of Norway; but he forgot that, in the year when his Majesty's Ministers were sitting on this side of the House, they recommended the Government of that day to dissolve the Union, and to leave the two countries in a state of amity and good fellowship, as they did with regard to Norway, Denmark, and Sweden. The hon. Gentleman has gone to Belgium for an illustration. Now, I care not who is on the throne of Belgium, but I ask whether Belgium is not more prosperous, and her people more happy now than at any former period? The hon. Gentleman has also been very loud in his denunciations of every democratic principle, and has declared, that the salvation of the empire depended upon this House becoming the conservatives of Ireland. I know, that it is the custom now to treat high authority as fulsome trash; but I will, nevertheless, take the liberty of quoting a speech made by an individual. 'When men will ask 'us what we wish to accomplish by re'form, let us point to the achievements 'of a Washington. Let us show them a 'country free from that insidious remnant 'of a darker age—a pampered prelacy, 'and a domineering Church Establish'ment. Let us shew them men who scorn 'to intrust their liberties to the guardian'ship of hereditary Legislators, who have 'cut off from their constitution the incubus 'of a second estate, and who can protect 'their property without the assistance of 'a race of—

Tenth transmitters of a foolish face.

'Let us point out to a people who spurn 'the idea of impoverishing nine younger 'brothers to confer a name and an inherit'ance upon the tenth who can boast of 'no other precedency than the accident 'of priority at his birth—a people who 'own no distinction of blood, and who 'worship no aristocracy save that of virtue 'and talent.' Whose words were these? They were the words of the hon. Gentleman who last addressed the House. This was his own speech before his constituents —these were then his conservative principles. But if he will not be indignant at the association, I will take leave to place his authority beside that of Lord Clare, Lord Plunkett, Bushe, and Saurin, and will treat it as the hon. Gentleman has treated those high names by throwing it overboard as "vulgar trash." But now I come to the question itself. I will first advert to the principle upon which it is based; and then, for a brief space, address myself to the details. Last night the right hon. Gentleman (Mr. Spring Rice) said, that I was not the counsellor of my country, but its advocate. There is but little difference; and as its advocate, then, I now call upon the House as a jury, and ask for their verdict. It may be presumption for me to say it; but whatever little character I have, I stake it upon this proposition, that if the verdict of this House be given according to fact and according to principle, the fallacy of the right hon. Gentleman's whole scope of argument will stand proved. It is an arduous undertaking; nevertheless I am bold to meet him on his own ground, "shoulder to shoulder, and foot to foot." I hope he will not treat mere numbers, as on one occasion he did, when answering a statement of the hon. member for Oldham, telling that hon. Member that the difference between 95*l.* and 995*l.* was so trifling, that he could afford to make him a present of it. I also hope that he will not state, as then he did, that there is no difference between a baronet or a peer paying a voluntary fee for promotion to a title, and an apprentice being obliged to pay a stamp duty. However much the manner in which the Motion of the hon. and learned member for Dublin was proposed may be objected to, my objection to the Amendment is, that it is arbitrary and despotic. What does the right hon. Gentleman do? He says that the Motion should not be met by a direct negative. But what is to be the effect of this Amendment? Is it not an appeal to the House of Commons to put their judgments, their sentiments, their discretion, and their opinions into the keeping of the right hon. Gentleman and his colleagues? Some of the friends of Ireland, in another place, once called the Union a union of parchment, and one which could not exist. Is this, then, the parchment shield which the right hon. Gentleman means to oppose to the wishes of a whole nation? If so it will be futile indeed. The right hon. Gentleman, when opening his case last night, reminded me of the manner in which the lives and liberties of Irishmen were frittered away last year. It was merely necessary for him to mention, emphatically, the name of the hon. and learned member for Dublin, to create one general cheer throughout the House. Why, I tell him that had it not been for one expression used by that hon. and learned Member when stating his case, I should have objected to the form of the notice placed by him upon the books of the House. But he said, that it was merely a preliminary step, for afterwards taking into consideration the grand question of—repeal or no repeal. But I ask the House if it is fair that the liberties and interests of a whole country should be thus set at nought in consequence of wounded feelings, and an antipathy, whether just or not, to an individual? If that hon. and learned Gentleman were here, I would tell him, without the slightest disrespect, that it is not in the power of him or of any other individual, to elevate or debase Ireland. This question has taken too deep a root in Ireland now to be eradicated. No doubt the cause would lose much support if the hon. and learned Gentleman abandoned it; but, for one that should so abandon it, 500 would rise up as its advocates. The right hon. Gentleman is anxious to get rid of the question without inquiry; but he cannot —I will not say with all his dexterity— but he cannot with all his ingenuity, so get rid of it. The hon. Gentleman, the seconder of the Amendment, has alluded to the Committee of 1825. He knows that up to that period hostility to Catholic Emancipation was unrelenting. He well knows that the House of Commons and the people of England were altogether ignorant of the state of Ireland; but by the evidence taken before that Committee, so much knowledge poured in upon them, that they instantly came to a different decision; and from that moment forwards Catholic Emancipation was argued in this House with calmness, with temper, and with consideration. I ask, then, if, upon his own showing, I have not made out a justifiable reason for all the Irish Members of this House calling for an investigation of this question, which excites much more sympathy in Ireland than any question that was ever agitated in that portion of the empire? Have I not shown the great advantages that result from inquiry, and will his Majesty's Ministers refuse inquiry, and interpose the strong arm of the law between his Majesty's subjects and the Throne? Are they going, despite the wishes of the people, who are even so much unacquainted with this House, as to overwhelm it with their petitions? Are they, I ask, going still to prevent these discussions, and to tell the people that their petitions are so much waste paper, for that both Houses of Parliament have determined not to consent to their prayer? I would implore them to pause before they assent to so monstrous a proposition. The right hon. Gentleman told us last night of the vast benefits which we had received from this House since the passing of the Act of Union. It was painful to hear the right hon. Gentleman labour through the details to prove this assertion. But what after all did he show? Why, that all the benefit which the Union had conferred on Ireland was, to provide gaols and bridewells for criminals and bankrupts. Oh! that there should be no person who felt for Ireland whilst the right hon. Gentleman was making his *exposè* of the extreme wretchedness of her people! The whole burthen of the right hon. Gentleman was to show how the public money had been expended in building gaols and bridewells, and in erecting bridges for the exclusive benefit of the aristocracy of the country. When your gaols, instead of being a terror to the guilty, become a refuge to the destitute; when the lot of man is so miserably cast, that the laws of nature compel him to violate the laws of his country, what can come of your moral compact, or of your penal code? The right hon. Gentleman should have taken some other course to convince the House that the question was not necessary to be advocated at all. In arguing this question, I shall, as I said before, pass over the events in barbarous times, which are only subjects fitted for the historian; nor shall I stop to inquire whether the Union was valid or not. My question will be (in order to suit the convenience of hon. Gentlemen opposite) whether or not the Union ought to be continued for the benefit of the two countries. But there is one observation, in passing, which I must make. The right hon. Gentleman, when speaking of the Irish Parliament assembled in College-green, being under the influence of the Volunteers of the City of Dublin, said, that if the Union were repealed, the law of sticks would again become predominant, and reason would be prostrated before a rabble democracy. He should not speak of club-law. He should recollect when he and his associates admitted that law to be very influential, and gladly availed themselves of its support. But I will now proceed to consider the question, which is more likely to catch the ear of this House than any general reasoning upon the subject of Repeal. I mean the question, whether or not Ireland is more prosperous now than she was before the Union? and if not, then we have to consider, whether or not this is attributable to the Union. I shall take up the period of Irish history from the year 1782 down to the passing of the Union, slightly touching upon the years 1793 and 1798. I shall then consider the reasons why, and the means by which, the Union was established. I shall consider if the conditions of that Union, whether just or unjust, have been complied with; and lastly, I shall take a very brief review of the present state of Ireland, so far as it is affected by the Union with Great Britain. First, then, I shall consider the situation of Ireland from 1782 to 1797, that being the period when the scheme of legislative incorporation first entered the mind of Mr. Pitt, that is, with any hope of success, for no doubt the Regency Question, and the French Revolution had each a powerful influence with regard to the Question of the Union. In 1782, then, Ireland had established something like independence. When I make use of the word independence, I mean it only in a comparative point of view; for as long as the Roman Catholics, the great mass of the population, were excluded from the representation of the people, so long was it impossible that the acts of the Legislature could be viewed otherwise than with jealousy and suspicion. The Act of Adjustment of 1782 was a full and entire repeal of the Act of Henry 7th, called Poyning's Act, which made the Irish Parliament a complete tool in the hands of the British Administration; and now, even from that period up to the moment of its self-destruction, I am quite ready to go the fullest length in condemning that Parliament as corrupt and treacherous; but I must also request hon. Gentlemen, who make use of its corruption as an argument against Ireland having any Parliament at all, to bear a few facts in recollection, namely, that from the passing of Poyning's Act to the year 1782, Ireland should not be considered as having any Parliament; secondly, that even in 1782, the Parliament could not be considered as the fair representation of the people, who were altogether excluded from any participation in its concerns; thirdly, that from 1782 to 1798, was but a short period in the history of a country, and more especially of a country which was called upon to undo bad legislation before it could proceed with improvements; and fourthly, that your boasted House of Commons of England was obliged, in 1832, to declare itself corrupt, and unfit to do the business of the State. So that, whilst improvement was marching through Europe with rapid and gigantic strides, and above all, while the science of legislation was beginning to be studied and understood in every other country, Ireland was alone to close her ears against modern and approved doctrines; and a nation remarkable for the sagacity of her people was to flee knowledge and court ignorance. But, notwithstanding all impediments, we find the Irish Parliament, after 1782, setting itself to work in good earnest; we find that, notwithstanding religious differences and political animosities, such was the force of public opinion and self-interest, that more service was rendered to Ireland in a few subsequent years, than had been for centuries before. We find the revenues and resources of the country steadily increasing. We find a surplus in the public coffers after disbursing the demands upon the State. Let any hon. Gentleman open the Statute-book, and there he will find, Session after Session, works executed for the benefit of the capital, for the improvement of trade, commerce, and agriculture, bounties upon inland navigation, the population in full employment, works of great magnitude undertaken, which remain to this day unfinished, no beggary, or even want, except that occasioned by a failure of crops, and even that could be remedied without being obliged to apply to our kind English neighbours for relief—no passing of paupers from parish to parish—no necessity for coercion; in short, we were rapidly hurrying on to the goal of national prosperity and importance, when a faction, jealous of our promised greatness, sent discord through the land, under the pretence of protecting us from French dominion, but avowedly, and indeed, as confessed by Mr. Canning, for the purpose of keeping up Protestant pre-eminence, and for that purpose English gold was poured into the country. What was refused to that English gold was enforced by a cruel and licentious soldiery, commanded by officers who were taught to consider cruelty as a virtue, a fair deed in the eyes of God, and a sure road to honour and promotion from the ruling despot of the day. These were two powerful engines directed against a poor, unarmed, defenceless peasantry, whose only crime was in having borne oppression too long and too tamely. Now, with regard to the reason assigned for establishing an Union between the two countries. Those reasons will be found in his Majesty's Message, delivered to the House of Commons by Mr. Secretary Dundas, in January, 1799, and which Message I shall take the liberty to read:—'His 'Majesty is persuaded, that the unremitting industry, with which our enemies 'persevere in their avowed design of 'effecting the separation of Ireland from 'this kingdom, cannot fail to engage the 'particular attention of Parliament; and 'his Majesty recommends it to this House 'to consider of the most effectual means 'of finally defeating this design, by disposing the Parliaments of both kingdoms 'to provide, in a manner which they shall 'judge most expedient, for settling such 'a complete and final adjustment as may 'best tend to improve and perpetuate a 'connexion essential to their common 'security, and consolidate the strength, 'power, and resources of the British empire.' By this Message, we find that the principal object for establishing a Union, was to prevent a connexion between France and Ireland; but we have a right to go further into this question. We have a right to see, whether it was from a preference of French connexion, or from an abhorrence of English persecution, that Ireland sought what I shall unhesitatingly designate so destructive an alliance. But if Ireland had been in full possession of that liberty (I do not mean liberty in the sense in which hon. Gentlemen are sometimes pleased to interpret it); I mean liberty tempered by reason and discretion; if Ireland had been in the possession of such liberty, would she then have sought any foreign connexion? No, she would not; and, even circumstanced as she was, I shall deny, to the last moment of my existence, that in 1798, the well-judging part of the community sanctioned the introduction of a foreign force into Ireland. No; it was the Catholics of Ireland, who were out of the pale of protection, that had a right to complain of Protestant domination; and yet, out of nearly 100 State prisoners, there was scarcely a Catholic to be found among the number; but if the Catholics had joined in the Revolution, would they not have been in some degree excusable. They were excluded from any participation in the Government of the country, and was it wonderful that they should have tendered their allegiance to a country professing that religion, for continuing in which the Irish people were suffering pains and penalties—that they should have looked to that country for relief, which had promised to set an example of practical liberty to the civilized nations of Europe? Although I should have opposed the landing of the French at the expense of life itself, being convinced that French protection would have ended in systematic and bloody persecution; that the will of the new and rapacious conqueror would have been substituted for the better law which did exist; yet it was almost excusable that a people, out of the pale of protection in their own country, should have felt and rejoiced in the shock of the great political earthquake which then shook Europe to its very centre. What injury could they have sustained by the change? What cruelty could French invention devise, that English inhumanity had not by anticipation imposed upon them. But, again, the Catholics had a particular right to protest against this Union the moment their fetters were burst asunder. Yes, I do contend that, although not a voice had been raised against the Union up to 1829, the Catholics had a right then, at least, to look into their affairs. Up to that period we should consider them as minors—emancipation made them of full age, and their rulers were called upon to render an account of their long and much abused trust; I contend for it that Catholic emancipation should have had a retrospective as well as prospective consideration; and what then? Why I shall prove, by the words of Mr. Canning, that the Union was considered by the Protestants as tantamount to a further Penal Code, and if sanctioned by any portion of the Catholics, it could have been only from a justifiable dread of an augmentation of religious persecution, and, therefore, without Repealing the Union, Emancipation is incomplete, for it was the fullest and most oppressive Penal Code. In order to elucidate and prove my argument, I shall read an extract from a speech delivered in this House by Mr. Canning upon this point: 'Here, therefore, said Mr. Canning, we 'have the creed of the Protestant party. 'It appears that they are willing to adopt 'an Union, or in failure of it, to continue 'a struggle for everything that was dear 'to them in right and pre-eminence, and 'in religion. Ask now the other, the 'Catholic party, and what is their answer? 'Why, "let us have a Union or a conti'nued struggle for that which you have 'hitherto denied us—namely, a Repeal of 'the remainder of the Penal Code."' Now I ask the House, after hearing such an avowal from a Minister of the day, whether or not the contract was made between the two countries at a time when each was free to act for itself? Are we not bound then to consider the situation of the contracting parties at the time of the passing of the Act, and if either acted from intimidation, coercion, or whilst under duress; shall I be told that an agreement thus executed, is to be considered the voluntary act of both countries? Surely not. When the Act of Union was established, Ireland was coerced, all honest sentiment was banished from the councils of the nation, men stood horrified at the total subversion of all law—exertion was paralysed; the rack, the scaffold, and the dungeon were still fresh in the recollection of unprotected Irishmen—and was it at such a time that such a change should have been forced upon a coerced and un-defended people? Unions should be established for the mutual safety, security, and honour of the contracting parties, and if fairly acted upon, kingdoms would become more powerful, treaties would be mutually guaranteed against violation, and individuals would mutually give effect to that which was considered for the benefit of the State; but Unions which exist under other circumstances, must have been effected whilst one of the parties was under intimidation, and therefore illegal, and could be only perpetuated by the superior force of the stronger over the weaker party. Then have we derived any one of those benefits from our Union with Great Britain; as a nation are we more powerful; as citizens, are we better protected against violence; and as individuals, have we a fair and equal share in the enactments of those laws by which we are bound, and by which we hold our lives, our liberties, and our properties? To all I answer no; and why? because it was not Union; because the people were not parties to the damnable violation; they were divided, entrapped, and sold in their manacles; the slave-merchant was sent amongst them, backed by English gold, and, robed in personal audacity and falsehood, he basely sold his country for ideal honours. And is this the Union to bind me? No; never. Let the right hon. Gentleman point out one distinct benefit which the measure has conferred upon Ireland. Has it increased her prosperity; has it given energy to her people; has it given stability to her trade? He has witnessed our destruction, with one sudden transition from national independence to provincial degradation; he has witnessed the green ivyed towers of our deserted noble mansions; he has witnessed the vast uncultivated, yet genial, wastes of Ireland: and all this whilst he may behold, at each market place, each cross road and bye-way, a kind of slave mart, where the aged, the infirm and the sturdy youth, do, in one common mass of misery, implore a blessing upon him who would bestow, as it were, 8*d*. for twelve hours' hard labour—and one-tenth of even this miserable pittance must find its way into the coffers of the luxurious shepherd, of whose flock, although branded with the mark that he may be sheared, he is not numbered as one, nor is he nourished in the fold. I shall now consider this subject in another point of view; in reference to its bearing on the character and constitution of society, and in respect to those different relations by which man stands connected with man. I shall compare the state of Ireland in this respect with that of England, and examine whether the social and moral duties are better discharged in the one country or the other. In England the landlord is the natural protector of the tenant; in England the agent is the just mediator between the landlord and the tenant; in Ireland he is a factious mischief-maker, mixing up political animosities with the duties of his station, and generally acting as both landlord and agent. His object is to wring the last farthing from the unfortunate tenant; his situation is generally so lucrative, that large sums are given for it; the land of which he has the superintendence is generally encumbered with mortgages, and it is his object to depreciate it as much as possible; so that, when the opportunity arrives, he may foreclose the mortgage. In England the Courts of Law are a little too expensive, but no religious distinctions find their way into them; the parties are only known as plaintiff and defendant. In Ireland, the administration of the law is obscured by religious animosity; which, though driven from the mind on ordinary occasions, rallies in the Jury-box. In England, the tenets of the established religion correspond with the religious feeling of the people; in Ireland, they have been forced upon the people at the point of the bayonet. In England, you complain of taxation; in Ireland, we are told that we are not taxed at all. Yet, in Ireland, we hear of nothing but beggary and starvation. When the right hon. Gentleman tells us, that our produce, on its arrival here, is admitted without being taxed; will he tell us, that if he could obtain one guinea more from us, in the shape of taxation, he would omit to require it,—even from his beloved Limerick? It is because we are deprived of a domestic Legislature, that we suffer so grievously from the evil of absenteeism. Every Member sent to this House is an absentee. The members of the legal profession are obliged to come over here to your Inns of Court; our artists are compelled to resort to this country; and our publishers must come hither too, because they cannot publish at home. All this takes place, because our gentry reside away from their estates. There is not a single article that is not taxed; the only advantage extended is bestowed on the absentee himself. He alone meets with favour; if he possesses estates in Ireland, of the value of 20,000*l.* a-year, he derives from them, while residing in Piccadilly, a greater benefit than the man who possesses estates of an equal value in this country, burthened with the poor-rates. The right hon. Gentleman spoke with great pomp of our linen-trade; but does it not happen, day after day, that petitions are presented, declaring the falling-off in that branch of trade? He refers to the high authority of Arthur Young, one which I respect greatly. But he himself said, that when a part of a book be read, the whole of it becomes evidence, and may be read throughout. I ask him, did he peruse the whole of Arthur Young's work? No, he did not; if he had, he would have found that that individual speaks of the resident gentlemen looking into the affairs of their tenantry, competing with their tenantry in the pursuits of agriculture, and setting them a bright example of industry and morality. But all this he has omitted to notice. We are told, that this question is not to be met by a direct negative. The hon. Gentleman, who seconded the Amendment, goes further; he says, that this House is bound to declare, that it is an unjust interference with the prerogative of the Crown,—that it is an act of treason. He knows not what treason is. Treason broods in darkness, loves the night, and shuns the light; but surely this is open and unconcealed, and it is acknowledged. For if a never-ceasing wish and anxious desire to see our own Lords, and our own Commons, sitting in our own houses, in our own capital, in our own kingdom, legislating for our own people, be treason —if love of country, be treason—then do I glory in being a traitor.

It would require more dexterity and ingenuity than the hon. Gentleman possesses, to convince the House that this is a fair mode of getting rid of this question. He must know, that the people of Ireland have, in spite of his best endeavours to smother it in this House, made up their minds on the subject. I tell him, that the people of Ireland are determined no longer to live in a state of beggary and starvation —that a long array of figures is no set-off against beggary and starvation—and that, however justified in imposing the Union on 3,000,000 or 4,000,000 of uneducated people; the question now is this—whether it is prudent to attempt to preserve that Union, at the price of the dismemberment of the empire. I deal fairly and frankly with this question: I have devoted much time and much pains to it, and I solemnly declare, that if it were not my conviction that the Repeal of the Union would be beneficial to Ireland, I would not court an ignominious popularity by advocating it, though I believe, with the hon. Gentleman, that there are some individuals in this House who do make use of it as stilts to help them to other objects. The right hon. Gentleman taunted us with not being the Representatives of the Aristocracy. My pride is, that I do not represent the barren surface of the soil, but that I represent those persons who cultivate the soil, and make it available and valuable to its owners. Are the luxurious classes of society alone to be represented in this House? I wish them joy of his advocacy. I cannot, however, congratulate the right hon. Gentleman, and those that are with him on that side, on their Whig Reform: for we are now taunted with this—that all our benefits have arisen from the Tory, not the Whig Administrations. Emancipation was surrendered to Ireland by the great captain of the age, and justly surrendered, when he found it would be madness any longer to withhold it. During the entire period of nearly a century, for which the Tories held the reins of this Government, they never ventured to pass such laws or enactments as have been brought forward by the Whigs—they have ever been open, although determined in their hostility.

> Give me the avow'd, the erect, the manly foe,
> Bold, I can meet, perhaps may turn his blow;
> But of all plagues, good Heaven! thy wrath can send,
> Save, save, oh! save me from the candid friend!

The Tories never promised us anything—they did not give us much, to be sure, but they did not promise more than they gave. But the Whigs have never given to the people of Ireland anything which they have promised. The Whigs carried Reform with the assistance of the Repealers. The Whigs created a revolution in this country. They promised everything—they have performed nothing;—they have violated every pledge they made to the people of Ireland—and they say, that we are keeping that country in a continual state of agitation—they are always telling us:—"Wait a little longer, and you shall have all that you wish for." But we are told, that the existence of the Union is kept up at the expense of one-third of the property of the landed gentry of England, and that yet they are determined to uphold the continuance of it. I speak on the part of England, and let the people of England be told, that their landed gentry are deprived of this portion of their income. What is now the practice of the Irish labourer? He leaves his country to reap the harvest of the English agriculturist,—he locks his cabin door, and leaves his wife and family dependent on the public charity—he returns to Ireland with the little money which he has procured in England, and instead of expending it in his own country, he by these means, procures himself the common necessaries to support him on a voyage to America. I ask hon. Gentlemen, whether, if Ireland were sending 300 Representatives to a domestic Legislature, the individuals who formed that Parliament, would not be selected according to the good works they had rendered? Would not every agitator be set at defiance? Would they allow Acts of Parliament, destructive of the rights and liberties of the people, to be passed? Would they not court an honourable, instead of an ignominious popularity? Would they not set an example of industry and morality? Would they not, in fact, disseminate comfort and happiness throughout the country, instead of beggary and starvation? We are told, day after day, that the healing measures which are in contemplation for Ireland, would be instantly carried into effect, provided there was a cessation of crime in that country. Is the taunting of the hon. and learned Gentleman who seconded the Amendment, with the performance of a religious duty in prostrating himself before a clergyman, if he thought proper to do so, the way to procure peace and repose for Ireland? This is the way to keep prejudice alive—this is what the right hon. Secretary of the Treasury seemed to regret—he spoke of the dissension and disunion which had been kept up for centuries in Ireland, having prevented the introduction of good and salutary laws—he told us, that the Irish people had always been anxious to be admitted to the privileges of Englishmen—that we had been refused because we were poor; but that the moment we became rich enough, we were admitted. Now, if the fact is, that we are so bad, so necessitous, so adventurous, the sooner this country gets rid of us altogether, the better. We have characters to support, as dear to us as that of the hon. Gentleman may be to him; and I take leave to tell him, that however much his speech may have raised him in the opinion of the House, his calling any body of Gentlemen political adventurers, and not Representatives of the people, has not raised him in my estimation. I tell him, that there is more virtue, honour, and independence at this side of the House, than dwells within his breast; and I ask the hon. Gentleman, if he thinks that he is acting fairly by his Majesty's Ministers, if he tells them that he conscientiously believes, that this will retard the progress of the Repeal Question in Ireland, for that can be his only object in having seconded the Amendment; or does he not believe, that it will increase tenfold a desire for Repeal? This is an important question—one of great magnitude—one which I will desert only with life itself. This House may pass enactments—may fill volumes with enactments—but, so long as I have life, I will agitate the Repeal of the Union. No threat, even of death—no act of the United Parliament shall ever prevent me from standing by the question. If there is not another man to be found to agitate the question of the Repeal of the Union, I will do so. It may be treason in Ireland; and if so, I shall glory in being a traitor. I am aware, that my advice will not be taken by his Majesty's Ministers,—that they will go on in their own course, heaping insult on insult, oppression on oppression, until (as I before said) they legalize rebellion, and make revolution a virtue. So long as there was any hope or reliance to be placed on this House, so long did the people of Ireland petition for other measures which they thought would have been conclusive without repeal. But when they were met in the first Session of the first reformed Parliament by contumely and insult—in the second Session with an acknowledgment by his Majesty of their grievances, of their great poverty and distress, accompanied by a resolution to stand by the darling object of Government to the last, what had the people of Ireland to expect? The question we are called on to decide is, whether Ireland shall be an independent kingdom and the right arm of England, or an enslaved and degraded province—a disgrace to herself and her representatives—a drag-chain on English finances—and a beggar at England's door? We apply to you for the Repeal of the Union on principle—we tell you that you do not know the situation of the country, and that our complaints are treated as so much waste paper. Will the people allow you to continue to legislate for Ireland? I say no. You may despise the power of the people, but recollect that public opinion has repealed many of your statutes and your laws, and that there are others which you dare not carry into effect. Will you despise the united voices of 8,000,000 of people? I have no hesitation in saying that every Act of the present Government is giving power to the agitators of Ireland; that it is reconciling men of every class and creed. But let the noble Lord not mistake me; I never will breathe a single doctrine, nor give sanction to an Act that would lead to the shedding of one drop of human blood. I would rather remain fettered and chained during the remainder of my life, than consent to an Act which would be productive of a civil war; but I am willing to deal frankly, and tell him that the agitation which we find it necessary to maintain, may lead to a demand which the noble Lord dare not refuse. I ask, again, any man to compare the acts of a resident with those of an absentee landlord. I may be told, that there are absentee English landlords, and that the same consequences are not witnessed in England; but it is because the numbers of the resident landlords predominate. In Ireland there are also resident landlords, but they are so few, compared with the mass of wretchedness amidst which they are placed, that they are utterly incapable of giving it any efficient alleviation. Each feels that if he attempts to relieve all who apply to him, he will at last become a beggar, and he is obliged, therefore, to close his purse. But hunger is powerful, and prevents the arrival of tranquillity among the people. You know not the power of Ireland. We have fallen an easy conquest to your great wealth, your power in arms, and our dissensions. The last are dying away, and the good sense of the English people, who are now beginning to make common cause with the people of Ireland, will prevent your employing the two first against us. The English people find that their grievances and poverty are, in a great measure, to be attributed to our grievances and poverty. You have made the people ask for relief, and relief they will have. I address myself particularly to the Secretary for Ireland. I can assure him that no man respects him and his good intentions more than I do. That he is thwarted in the Cabinet I have no hesitation in saying, and that he would do good if allowed to follow the bent of his natural disposition, I verily believe; but I caution him not to be made a tool of, not to give his sanction to Acts of Parliament which it is easy to pass in this House, but which it is impossible to carry into effect in Ireland. I tell him that those negative qualities for which he was so lavishly praised at the beginning of the Session, will not do for an Irish Secretary. We want a man of decision, a man of courage, a man who can think and act for himself, and I tell him that if he makes himself a stepping-stone for others to mount to power, he will cover himself, as others have done, with disgrace and ignominy. Sir I have done, and am content with the cause I have advocated, for in the words of the most noble and generous of men—"The cause of freedom is the cause of God."

Mr. *Littleton* commenced by observing that any one, however conversant, argumentatively, historically, or financially, with the present question, would feel, he thought, some difficulty in following the speech of the hon. and learned Gentleman who had just sat down; for although he was very willing to allow the learned Gentleman that merit which generally characterised all that fell from him, of frankness and fairness, he must say, that he had been as little argumentative on the present occasion, and as discursive and declamatory as any Gentleman who ever spoke within the walls of that House. The hon. and learned Gentleman by whom this important subject was introduced to the consideration of the House, founded his Motion on statements of a financial, statistical, commercial, and historical description; and his right hon. friend the Secretary of the Treasury (Mr. Spring Rice), in that extraordinary and powerful speech in which he followed the hon. and learned Gentleman, controverted, as he (Mr. Littleton) thought irrefragably, every one of that hon. and learned Gentleman's statements; but the hon. Gentleman who had just sat down, although at the commencement of his speech he announced his intention to answer the speech of his hon. friend, not only left the thread of his argument, but every one of his minuter details, intact and unbroken. The great powers evinced by his hon. friend in that speech to which he had alluded would long be acknowledged by every gentleman who had the good fortune to hear it—and this he would say—that it would be referred to hereafter as a manual on the subject by all who should be disposed in future generations to examine the question, as one of historical interest. His right hon. friend had so materially narrowed the ground over which it might be necessary to go in speaking on this question, that he felt himself absolved from the necessity of offering to the House many arguments to which otherwise he should have been disposed to invite its attention. He had been prepared with, and but for his right hon. friend's judicious observations, he would have requested the attention of the House to some details which he had collected, illustrative of the condition of the manufactures and commerce of Dublin, and of Ireland generally previous to the Union. He might have called its attention to something he had collected, illustrative of the services of the Imperial Parliament to that country since that period; he might have invited its attention to many extraordinary errors and delusions which, unintentionally no doubt, had been practised on the people of Ireland by the hon. and learned Gentleman by whom this question had been brought forward; he might have adverted to much which had been said on the subject of absenteeism; he might have quoted the various enactments which were to be found in the Irish statutes in different periods of the history of their domestic legislature; he might have referred to the efforts of Mr. Flood, of Mr. Grattan, and the motion of Mr. Vandeleur—for the purpose of showing that the evils of absenteeism had been the subject of constant complaint; and indeed he really believed, that if any gentlemen acquainted with the subject would give his mind patiently to its elucidation, he would find that absenteeism had been as severely felt and was of even greater amount before the Union than since. He might, he said, on each and all of these topics have addressed some observations to the House, but he had been so fortunately forestalled by his right hon. friend, that it would be wrong in him to go over ground which had already been so ably explored. At an early part of the Session, on the day on which the Address was debated, he had taken the liberty of expressing his opinion to the House, that the sentiment of Repeal was not of natural growth in Ireland. He had stated then, and he now repeated, that it was a sentiment conceived only at a late period—conceived for the purposes of agitation—and agitation, he was bound to state, of a selfish and most unjustifiable description. If such was not the fact, was it not most extraordinary that from 1800 to 1832 the question of Repeal was never once mentioned within the walls of the Imperial Parliament? For the purpose of creating the cry in favour of Repeal, the hon. and learned member for Dublin, whose absence he very much regretted in common with every other Member who had spoken on the question, had employed on every occasion in addressing numerous auditories in Ireland, a variety of arguments, absurd in the extreme, as they would be thought in this country and in that House, which, nevertheless, had produced a powerful and most unfortunate effect on the people in Ireland, but which, from motives of policy best known to himself, that hon. and learned Gentleman had taken care to keep in the back-ground in the course of the present discussion. He felt it his duty to call the attention of the House to some of the hon. and learned Gentleman's observations on this point, to some of the promised fruits of Repeal, and the measures he had pledged himself to introduce, when the hon. and learned Member had obtained his domestic legislature for the regeneration of Ireland. The people of that country had indeed been sufficiently amused with vague generalities; they had been promised, as his hon. friend the member for Belfast (Mr. E. Tennent) had said in rhapsodical rhyme, all that would make Ireland

"—————— Great, glorious, and free,
First flower of the earth, first gem of the sea."

But they had been promised something more in plain intelligible prose. A threat of confiscation had been held out. They had been promised a tax of seventy-five per cent, on the absentee landlords—they had been promised something still further; and had been told, that if there were landlords who refused to be dragged thither, and to hold their estates on such terms as those, they were to be made still further amenable to the tender mercies of a domestic legislature. Accordingly, on the 28th of November last, the hon. and learned Gentleman at one of the many meetings which he attended, informed his numerous hearers that "he no longer proposed to have recourse to a tax of seventy-five per cent, but he would prevent any man who had an estate in Ireland from having another in any other country." This was one of those expedients which the hon. and learned Member would devise for bringing capital into Ireland. "The passing of a measure of that kind was one of the first effects he looked for from a domestic legislature." The speech of which this was an extract was reported in the *Pilot* as the climax of the peroration of "a very able speech" which the hon. and learned Member concluded by proposing a Catholic Prelate's (the Bishop of Maronia) health at the Clondalkin dinner, a distinction which was due to the Prelate. He did no more than justice to Dr. Murray, Dr. Doyle, and all the other Prelates of the Roman Catholic church, when he informed the House, that there was but one individual belonging to that respected body who had ever placed his name to paper in favour of a repeal of the legislative union. The threat he had already mentioned was repeated on another occasion, in a speech delivered at a parish meeting in Dublin on the 19th of December, when the hon. and learned Member said "No man who has an estate in Ireland shall have one elsewhere;" and although it was to be remembered such arguments were extremely absurd in the ears of intelligent men, yet in Ireland that hon. and learned Gentleman was well aware they had their weight, and that was the reason he had for at present obtruding them on the attention of the House. The sentence which followed, too, was not, as one would be led at first to suppose, spoken by him ironically. "You never can have such a law passed except by an Irish Parliament." "Hurrah, then, for repeal!" This was one of those measures which were to render Ireland "great, glorious, and free." It put him in mind of a story told of a countryman of the hon. and learned Gentleman, who, to impair the credit of a bank, destroyed its notes. There was an extravagance in the proposition which was eminently absurd—but was it as certain, should the hon. and learned Member ever have the misfortune to succeed in having a domestic Legislature in Ireland, that the proposal and adoption of such a measure would be impossible. Was it not, on the contrary, clear, that the same means by which the hon. and learned Member had raised this popular outcry, he would still be compelled to employ in order to maintain his dominion over the populace, and that (although he believed that hon. and learned Gentleman had already become wearied and impatient of the burthen), in order to keep the road of popular favour, he would still be compelled to run before popular demand. This restriction on the possession of property therefore would be a measure of pure and unqualified justice, in comparison of many which such a Member would speedily be under the necessity of propounding in his domestic Legislature. But let the House for a moment consider what would be the effect of it.' The bond of property, one of the strongest links which held together the people of the two countries, would soon be entirely destroyed; the ties of a common interest would soon cease to exist altogether, and whenever it should please the domestic Legislature of the hon. and learned Gentleman to decree the separation of the two countries, he would not be obstructed by the interested clamour of any man who might be unpatriotically apprehensive of the loss of his property in England. But the hon. and learned Gentleman said, he was for a federal union, and that he was not a separatist. Let the hon. and learned Gentleman say so. For his part, he must say, that the man by whom measures of that description should be carried would be a separatist in practice, and that the man, on the same principle, by whom they should be proposed, was a separatist in theory. But they were told that no evil effects would ever ensue, because it would be requisite that all measures, if an independent Parliament were to sit in Ireland, should be submitted to both Houses, and must receive the Royal Assent. True, such was the theory of our Constitution; but to what extent was it meant that such should practically be true in Ireland? He appealed from the hon. and learned Gentleman's declaration that he was no separatist, to the whole context of his speeches and his conduct, and he maintained that separatist he must be, if he were in his senses. Shylock did not demand the life of his debtor, he only demanded a pound of his flesh, near the heart; and in like manner the hon. and learned Gentleman did not demand separation; he only demanded measures which should render separation inevitable. But the House had not yet heard all the advantages which were to ensue from a domestic legislature. He regretted extremely, that the hon. and learned Gentleman was not now present, as he was most anxious to have directed his attention to an extract of a speech which was reported in the *Pilot* newspaper as having been delivered by him at the dedication of the new Roman Catholic Church at Kildare. "How," asked the hon. and learned Gentleman, "how can the men sitting in London know our wants and our wishes, or what is right to be done in the internal conduct of our affairs? How can you let them know your desires? Why, if the Parliament were sitting in Dublin, and your representatives were doing wrong, you could take your short sticks in your hands some fine morning, and go up and tell them to vote honestly and rightly." The hon. members for Cork and Drogheda applauded that recommendation. He was extremely glad they did so. This was said to be one of the great and principal advantages of a domestic Legislature, and yet in the same speech in which the hon. and learned Gentleman gave them this advice, he deprecated violence, and talked about "the red arm of God's vengeance being for ever lifted up against the man who sheds a fellow-creature's blood." One argument was worth a thousand rhetorical flourishes —"Take your short sticks in your hands, and go up and tell them to vote honestly and rightly!" If there was any Gentleman present, and peradventure there might be a score or too, who were pluming themselves on the idea of having seats in the hon. and learned Member's domestic Legislature, he would beg most sincerely to tender them his cordial congratulations on the brilliant prospect before them of their parliamentary independence. But while to intelligent, rational, and sober thinking men, such propositions were extremely uninviting, he could perfectly well understand how to the great mass of ignorant deluded Irishmen, they would be extremely captivating as a Parliament exclusively Irish, consulting none but Irish interests, to which the welfare of Ireland would be exclusively dear, and established only on Irish predilections; but he would have them bear in mind, that if a Parliament exclusively Irish sat in College-green, Dublin, a Parliament exclusively British would sit in Westminster. Already the country had been told by Mr. Sharman Crawford, when insisting on the necessity of a local legislative body in Ireland, "the principle which now actuates England is not kindness to Ireland—no, it is kindness to herself. She indulges the vain hope, that the cries of the starving peasants would no longer reach her ears—that their incursions would no longer be the means of reducing the wages of her labourers and mechanics." Such was the language of an advocate for repeal. God forbid that the hope so unnecessarily imputed to us should ever be realised. God forbid, that the ears of England should ever be closed to the cries of a starving Irish peasantry.—But this he would say, that such an unhappy state of feeling could not be more effectually promoted than by that exclusive system of legislation which they were endeavouring to establish. He warned them that there did exist on the part of the labouring community of this country a strong feeling, that their interests were injuriously affected by the incursions of the Irish peasantry; and if the views of the hon. and learned Gentleman were unfortunately realized, the Table of that House might soon be laden with petitions, praying for protection against the competition of the "stranger," to use a favourite expression of the hon. and learned Gentleman—and that the Irish might be shut out of England altogether; nor would it be very difficult to foresee the result of such appeals in a Parliament exclusively British, consulting only British interests, founded only on British predilections, and in which not only the eloquent advocacy of the hon. and learned Gentleman would be wanting, but in which not a favourable voice would be raised, however feebly, by any one connected with Ireland by property, or by any obligations of honour or interest inclined to promote the welfare of that country. In the speech which the hon. and learned Gentleman delivered the night before last, there was no point which the hon. and learned Gentleman seemed to labour more assiduously to establish than the purity, importance, and usefulness of the independent House of Commons, as it existed in Ireland in 1782; and he was ready to admit, that if the hon. and learned Gentleman had proved that Parliament, as then constituted, could have been productive of any advantage to Ireland, one position of great importance would have been made out; but in one of his speeches, that hon. and learned Gentleman declared, that his new domestic Legislature should not be like the last. If indeed the views of the hon. and learned Gentleman were ever carried into effect, it would resemble no body of men who had ever aspired to the views and situation of a deliberative assembly. No mockery was more pitiful, no spectacle was more contemptible, than that of a body of men decked in all the trappings of eloquence, and assuming the name and bearing of a deliberative assembly, while crouching beneath the terrors of an armed constituency, impelled by the hon. and learned Member. He believed, that the profligacy of the Irish Government, acting, as they necessarily did, in connexion with the Irish House of Commons exceeded all belief. The Pension-list twenty years before the Union exceeded £85,000, which was more than half the amount of the customs at that day. The most undisguised traffic in places and pensions was carried on; the Crown was permitted by the House of Commons not only to retain all the hereditary revenues, but to prostitute them to the most unworthy purposes—the whole of the establishments of the country were brought forward on the most extensive scale of prodigality; the spirit of corruption pervaded every department; in short, it might be said that the conduct of the Irish Government acting always of necessity with an independent Legislature in Ireland, was not more scandalous in its treatment of the Irish peasantry than in every department of the civil service. Anterior to the Union there existed no knowledge of great public rights; there was no kind of respect for political purity, and no reverence for sound constitutional principles of Government—the state of the representation was so bad as to make the late Lord Londonderry a radical reformer; the oligarchy mocked at popular rights, and even sought self aggrandizement at the expense of the country. In the struggle for a free trade with Great Britain it fortunately happened, that the interests of the proprietors were advanced with those of the people, and the principles of justice and reason for a time incidentally were adverted to; but in vain would they look throughout the whole range of parliamentary history for any clear and sustained recognition of those sound and constitutional principles which alone ought to actuate the Government of a free country. If to all this they added the evils resulting from a wretched, demoralizing system in the management of property, hon. Members would have before them a picture which certainly would not fill them with any very high expectations as to the great advantages to be anticipated from the re-establishment of such a domestic Legislature as had been described. Those evils were not merely historical; they actively displayed themselves up to the present moment. Still, however, they were not the natural growth, nor did they originate in the peculiarities of Irish character—they were inseparably connected with a Government which was obliged to manage its movements through the instrumentality of such a domestic Legislature. And he believed, if it were now again re-established, in times of broil and emergency, when the exigency of the occasion seemed to justify the means, Ministers, it would be found, would not be backward in availing themselves of the facilities which were afforded, and a system of corruption would again secretly and silently become the settled system of their Government in that country. He had thought it his duty in the first place to bring into the present discussion some of those arguments which the hon. and learned Gentleman who originated the present motion had constantly been in the habit of advancing and urging in Ireland with melancholy effect, and which had produced a most malignant spirit in that country, but which, from motives best known to himself, had been kept entirely in the background on this occasion. He did not wish, as indeed he had no right, to question the purity of that hon. and learned Gentleman's motives in having introduced this question. He was as willing as any man to admit, that up to the period when complete religious toleration had been accomplished for Ireland, that hon. and learned Gentleman had conferred on his country the greatest possible benefit; but he must be permitted to say,—and from the official situation in which he stood he was entitled to speak with some degree of weight—since that period the hon. and learned

Member had proved a most unfortunate obstacle to the social happiness of Ireland and her progressive improvement. He did trust, when that hon. and learned Gentleman had witnessed the result of the solemn adjudication of both Houses of Parliament on this proposition, he would see the prudence, if no higher motive influenced him, of abstaining from the re-agitation of it in Ireland—and at all events, if his prudence did not prevail, the united voice of the people of this country would join with all that was intelligent, worthy, and respectable in Ireland, to support Government, by all the means in their power to maintain public peace and the existing free institutions of the country.

Mr. *Barron* said, this question had already been most ably discussed by the hon. Members who preceded him in the debate; yet he felt it due to himself and to his constituents shortly to state the motives which induced him to give his support to the measure proposed by the hon. and learned member for Dublin. Ireland had for some time been afflicted by one of the greatest evils which could befall any country, that of absenteeism. It had been stated by the right hon. Secretary for Ireland—and he (Mr. Barron) did not mean to deny the fact—that there had been a great number of absentees before the Union; but if that had been felt as an evil before, it had become a tenfold greater evil since that period. In fact, the Union had greatly increased the number of absentees; and he knew of no good which could compensate for the absence of the nobility and large landed proprietors of that country. A resident nobility and gentry not only set the example, but afforded to their tenants the means of industry and improvement, and greatly advanced the civilization and well-being of those around them. How, he asked, could any country be expected to prosper when the great mass of the nobility and gentry were absent from it, being, as they partly were, drawn from it by the necessity of attending to their legislative duties. Almost all the nobility and gentry of Ireland had absented themselves from it since the Union; he would not say all, but certainly three-fourths, of them had. The consequence was, that more than 5,000,000*l.* annually were drawn from the sweat and labor of the people of Ireland to be spent in this country, and this he conceived to be mainly owing to the Legislative Union of the two countries. He was not one of those who wished to charge upon the British Parliament, that they were not willing, or that a majority of them were not willing to legislate fairly for Ireland; but let them be ever so willing and ever so anxious to deal fairly and justly by that country, it was impossible that they could make good the loss which had been sustained—that they could restore the link which had been broken—that they could fill up the void which had been created by the absence of the nobility and gentry of that country. He would go further and say, that he never expected that Ireland would be happy and contented, until that nobility and gentry were restored to her, and the most effectual way, the only way of restoring them, would be by the Repeal of the Union. If this were once done, and an Irish legislature established, they would, *ex necessitate*, have a great portion of the Irish nobility and gentry residing on their estates for a great part of the year, and looking to the occupations, and watching over the interests of their tenants, and directing and encouraging such improvements as would be of equal advantage to both. He maintained that that House, in legislating for Ireland, was acting, he would not say willingly, but in error, to the injury of that country. They were mistaken when they undertook to legislate for Ireland—a poor impoverished country — upon the same principles by which they were actuated in legislating for England. He would not impute malice, or ill-will, or prejudice, to them in doing so, but he would say, that they acted under mistaken notions. They should remember, that the one was a rich and powerful country, abundant in resources, and which had been blessed with free institutions for several centuries, while the other was a poor distressed country, which had been crushed and broken down under ages of oppression and misrule. It was not his intention to follow the right hon. Secretary of the Treasury (Mr. S. Rice) in his very long and elaborate speech of last night; but he would advert shortly to a topic or two touched on by him. The right hon. Gentleman told them, that the fisheries of Ireland were under the protection of Government; but he should have recollected that the fishery bounties were withdrawn in 1829. The great object of those bounties was to give employment to a large body of fishermen; and by the withdrawal of them, a great portion of these poor persons were left without employment. He held in his hand a resolution, agreed to at a meeting at Balbriggan, at which Mr. Hamilton, a gentleman not at all a Repealer, presided, in which it was stated that, from 1822 up to 1829, the fisheries had thriven, and the number of fishermen employed had increased from 36,000 to upwards of 56,000; but that, since the bounties had been withdrawn, the fisheries had declined, and the number of persons employed had decreased in a much greater ratio than they had increased previously to 1822. This was a statement, not got up for the purpose of agitation, but upon a conviction of the emergency of the case. It showed, that the deepest distress prevailed amongst these people, which the few gentry who lived in the neighbourhood, were quite unable to relieve. Large bodies of men had been thrown out of employment, in consequence of the withdrawal of the bounties by Government. And what was the consequence of this altered state of things? A vacancy occurred in a southern borough, and the fishermen, to a man, agreed to give their votes in favour of a man, who was a stranger to them, and who had nothing to recommend him to them but that he advocated Repeal; and the fishermen voted against a man who was their near neighbour, who had ever done what he could to relieve them. Although that gentleman was a relative of his own, he might be permitted to say, he was as honest, as honourable, and as good a man in public and private life as existed. They did this because they were actuated by a feeling, that they had been neglected and overlooked by the Legislature, and they supported the man who they thought would assist them by advocating the principle of a domestic legislature. He could point out various other places, in which instances of a similar feeling were manifested by this distressed class of persons, to the injury of the interests of the legislature in Ireland. He would mention another case, which he considered worthy the attention of the House. There were established in Waterford, before the Union, large manufactories of linens and woollens, serges, stuffs, and glass. The first three of these had totally disappeared; the fourth could hardly be said to exist; and as to the glass manufacture, it was very low indeed—it was nearly ruined, owing to English competition, and the parties being unable to find any other market which offered a compensation for the loss occasioned by this competition. Of 28,000 persons in that city, between 5,000 and 6,000 persons were one half the year out of employment, and during the other half they were paid at a rate far below that at which the most humble individual in England was at any time employed, or with which he would be satisfied. There was a Mendicity Society established in Waterford, by which 500 or 600 individuals were employed—at what rate did the House suppose? No more than three halfpence a day; and, if the present distress were to continue, it was impossible to foresee to what extent the misery and destitution of the poorer classes would extend. At present, there was not any country in the world in which distress and suffering existed to so great a degree as in Ireland. Although the right hon. Secretary had thought fit to represent Ireland as being in a prosperous state, he felt it his duty to state these facts to the House; glad would he have been to be enabled to tell a different story. He did not pretend to speak of Ireland generally; he only spoke of those facts which had fallen within his own knowledge; and so satisfied was he of their truth, that he would willingly put his signature to every word he uttered on that occasion. He would grant the statement of the right hon. Secretary for Ireland, that there were large exports taking place from Waterford; but was this any answer to the claims of the starving thousands who crowded the quays? Would it do to say to them, "You must be prosperous, because two millions' worth of exports have been sent from your city last year." It was, indeed, true, that 2,000,000*l*. of exports had left Waterford; but then the exports were provisions—provisions to the amount of 2,000,000*l*. could be sent away; and yet the people of Waterford were starving. What these distressed persons asked for was, employment, food, or the means of purchasing food, and this they expected to obtain on the return of the nobility and gentry on the Repeal of the Union. Millions, hundreds of millions, might be exported, without giving employment to very many persons. From

Waterford, there had been exported 4,000 head of cattle, 4,200 sheep, 32,000 swine, 13,900,000 weight of butter; but this did not give employment to the great mass of persons who were starving—who were literally in a state of destitution in Waterford and its neighbourhood. Let him ask, was this a state of things which could be expected to last? Was it not natural, that a people so circumstanced should be discontented, when they looked about them and saw the people of England happy and contented, with their agriculture and manufactures flourishing around them? Let it not be imagined, that the acts or conduct of any individual had reduced Ireland to this miserable situation, to this mass of poverty and destitution. No; it was caused by the absence of her leading nobility and gentry, and could only be removed by their return. He would not at that hour enter into a subject which had occupied so much of the time of the House during this debate, the financial arrangements made with Ireland at the Union, the grants in aid of public works since, and England taking upon herself the responsibility of the Irish debt. He found, however, in looking over a debate which took place sixteen years after the Union, that an hon. Member of sound talent, great experience, and undoubted integrity—he alluded to Sir John Newport—had said, "This is a debt contracted on a false estimate of the resources of Ireland." He had the statement of Mr. Plunkett to the same effect; that Gentleman stated, that "the scale of contribution laid down for Ireland was utterly disproportioned to her strength." Since then, the taxation of Ireland had gone on increasing more rapidly and permanently than that of England, and it was capable of proof, that, within twenty years, the taxation of England had increased two-fold, while that of Ireland had increased five-fold. The debt charged upon Ireland had been imposed under false pretences. They kept Ireland plunged in debt, until they found that she was bankrupt; her debts had been contracted for her, and were disproportioned to her means, as had been justly stated both by Sir John Newport and Mr. Plunkett. That debt had been contracted, after the Union, for British purposes. But had they left Ireland exempt from debt? or had they not rather made her equally responsible with England for the whole 800,000,000*l.* of debt contracted by this country, and one-half of it, at least, contracted before the Union? and yet Ireland was at this moment equally responsible with England for the whole amount. He would not, however, dwell any longer upon this part of the subject. He would ask, whether Ireland had not been for centuries governed, either directly or indirectly, by England? Whose fault was it that she was involved in misery? Who was it that caused her poverty and distress? If he were inclined to taunt, he would say to England, "the fault is with you." But he said not so. He felt, that they were bound to come to the discussion of a question of such great importance with calmness and temper; and even when he heard his country taunted he wished not to throw back the taunt, as he felt, that it only tended to do injury on both sides. There were three points which appeared to oppose themselves to the Motion of the hon. and learned member for Dublin. The first was a dread of a Catholic ascendency in Ireland. The King of England was the King of Ireland. That Monarch must, by the form of the Constitution, be Protestant. There was, however, now no pretender, no Catholic, seeking to deprive him of his Throne; and no man, not even the wildest theorist ever heard of, had talked of removing the Throne to Ireland. Next came the Lords. Now, it was known that there were not more than five or six Roman Catholic Peers in Ireland, not forming one-twentieth of the Irish nobility. Thus there were two out of the three estates essentially Protestant. He next came to the third estate, the Commons. It was acknowledged that several Roman Catholics had found their way into that House—a greater number, he believed, than would again be found there in the event of a Dissolution of Parliament tomorrow. But if the Irish nobility and gentry were to return to their estates was it not natural to suppose that they would have their due influence with the tenantry, and that the latter would follow them to the hustings with respect and confidence? The influence which had been lost by absence would be restored, and he would venture to say, that the Protestant influence would predominate greatly at elections. Here, then, they had the King, Lords, and Commons, all essentially Protestant, and it would be idle to say, that anything like a Catholic ascendancy was for a moment to be apprehended. If an attempt were to be made to secure a Catholic ascendency, he, though a Catholic, would side with the Protestants. These sentiments were not new with him. He had uttered them not only amongst his private friends, but at the hustings, where nineteen-twentieths of the persons present were Catholics, and in doing so he had obtained their votes and their applause. Away, then, with these idle fears—these futile objections to the Motion; they could not for a moment stand the test of the plainest argument. He next came to the question urged that a Repeal of the Union would lead to a separation of the two countries. This, it appeared, was said in a spirit of prophecy, for it had no fact to support it. Why should the people of Ireland wish for a separation from England? Was it not their interest to continue upon the closest intimacy, the most friendly footing with this country? The people of Ireland knew—they thought, they felt this; they knew that the English markets were open to their produce; they knew also that the skill and industry of the English gave manufactures to Ireland at a far cheaper rate than she could get them elsewhere. These articles had become to Ireland as the necessaries of life. There were no articles sold in her shops that were not the manufacture of Manchester, or Birmingham, or some other manufacturing English town. The Irish then must be mad, more than mad, to reject these advantages. But it would be hardly supposed that the Irish could be so foolish as to reject the market where they could buy cheapest, and sell their produce to most advantage. Let the House bear in mind that it was not Acts of Parliament that bound together nations, neither were they held in amity by political systems. Their Union was only to be secured by their mutual interests—and the House might depend upon it that the Irish would be the last people on the face of the globe to seek or desire a separation from this country. It would be the interest of Ireland to have the British Navy to protect her commerce; and who more fit to man that navy than the hardy fishermen of Ireland? Who more fit to supply her armies in war than the people of Ireland? Ireland had ever been the right arm of England in time of war, and long might she so continue. She had shone bright as was the lustre of the British Crown, the fairest gem in the whole circle of its radiance, and long he hoped, after many distant possessions had separated themselves to follow a new destiny, would Ireland both strengthen and adorn the imperial greatness. The glory of Ireland was bound up with that of England, but she shrunk and withered for want of the fostering care of a local Legislature, if that were once restored, it would, he felt convinced, be a source of increased power to England, and of incalculable benefit to Ireland. But whatever might be the fate of this Motion, however it might please the House to dispose of it, he trusted its introduction and discussion would leave no angry feeling on the minds of English Members. He trusted that all irritation (if any existed) would be laid aside, and that Gentlemen would bear in mind that Ireland had many other grievances to complain of and pray for redress. Ireland was now at their Bar, praying for permission to legislate for herself; they might, perhaps, say, "No; we will legislate for you!" Let him beseech them, then, to consider the distresses of that country—let him implore them as Christians, let him implore them as men, let him implore them as Englishmen, to look at the miseries, the sufferings, and the wrongs of Ireland, and not to turn from them until they were redressed.

The debate was, on the Motion of Mr. Ruthven, again adjourned.

FOREIGN ENLISTMENT ACT.] Mr. Murray moved the second reading of the Bill for repealing the Foreign Enlistment Act.

Mr. *Finch* was opposed to this measure. He thought that some power should exist in the Crown of preventing its subjects entering into the service of foreign states. He should prefer the amendment of the present law to the total repeal of it. If the law were repealed he had some doubts whether by the Common Law the Crown would not have the power of enforcing the principle of the present law. They had the authority of some eminent lawyers in support of that opinion, but on the other hand he admitted that they had contrary authorities. It might be said that the penalties inflicted by the present law were too severe; but it ought not to be forgotten that few things were more likely to involve the nation in a war than allowing armaments to be sent out to assist parties contending in a foreign country.

Sir *Robert Inglis* held war to be such an evil that it was not to be entered upon without the utmost caution; but, above all, a country should prevent its subjects taking a part in a civil war in a foreign country. He did not conceive that any man was at liberty to slay his fellow-man unless in self-defence, or by lawful authority. He objected to anything like a free trade in war, or to allow men without a licence to slay their fellow-creatures. If the question was stripped of the false colours of military glory with which it was invested, he was sure that most men who would take the trouble to consider the matter would be opposed to it. He would ask whether it was just that any man should be at liberty to carry to market his best energies for killing his fellow-men? That, in point of fact, was the question involved in the measure. He should oppose the Bill of the hon. Member as calculated to lessen the security of the peace of Europe, and as being likely to involve the country in a war. Above all he objected to it because it lessened the checks which prevented men carrying their swords to market to slay their fellow-men.

Mr. *Plumptre* also felt obliged to oppose the Bill, and expressed his intention to divide the House upon the question. He did not think it was right on the part of a Christian Government to allow the people of this country to draw their swords in foreign quarrels. Such a proceeding was, in his opinion, anything but creditable, and ought not to be sanctioned.

Mr. *Pease* contended, that passing such a measure as this, would be establishing the principle that those who could pay most money should be able to effect the most slaughter. For his part, he thought that a repeal of the present law would, *pro tanto*, tend to corrupt the morals of the people. He had recently seen many of the unfortunate men who had returned from Portugal, and he could assure the House that more deplorable spectacles than they presented he had seldom witnessed. They were broken down in health and spirits, and tainted with every species of vice and corruption. In a communication he had received from a friend in Portugal, it was said, that "We have here in Lisbon the *canaille* not only of Belgium and France but also of England, and all for the sake of murdering the poor Portuguese." But he would ask, whether it was not most disgraceful on the part of the Government of this country to allow British subjects to take part in such a contest as that which was carried on between Don Pedro and Don Miguel? He was aware that the Bill on which the present law was founded was brought in for the purpose of keeping faith with Spain, but thinking that some prohibitory law should exist, he certainly would give his vote for the rejection of the present measure. He was willing to admit, that officers on half-pay were objects of great sympathy, but still that encountering death for mere gold was positively ignominious.

Mr. *Murray* declared, that he had not heard a single valid argument urged against the Bill. The existing laws not being enforced became a dead letter, and, therefore, they ought not to remain on the Statute-book. He denied that it was adverse to the principles of Christianity to support with a sword a just cause, such as that of Poland for instance, or that of Protestantism, which had been defended by Gustavus Adolphus in Germany.

Mr. *Andrew Johnstone* said, that if it were only for the purpose of a protest the present law should not be erased from the Statute-book. Agreeing with those who thought it should not be repealed, he begged leave to move, that the Bill be read a second time this day six months.

Lord *Althorp* rose, to state the grounds upon which he supported the present Motion. He had opposed the original introduction of this Act, and he had since come to the conclusion, that it would be advisable to repeal it. It did not in any way affect the principle alluded to by hon. Members, neither would its passing in any way interfere with the principles of Christianity. As a law, that which now existed was altogether inefficient, and the result of it was, in fact, predicted at the time it was passed. But it would be impossible to pass any law to prevent British subjects entering the service of foreign States which would not be so severe as to render it utterly hopeless that it could be carried into execution. But there was another reason why the present law should not remain on the Statute-books, and that was the tendency which it had to involve this country in unpleasant discussions with other countries, who, knowing it to exist, might call on the Government to carry it into execution. To allow it to remain in force, would therefore be bad policy; but he at the same time must admit, that such unseemly exhibitions as training men for foreign service in this country ought not to be permitted. The Common-law, however, provided against that case, and consequently he could see no objection to the Bill for repealing an Act which served no good purpose, and was extremely inconvenient.

The House divided on the Question, that the Bill be now read a second time: Ayes 65; Noes 14—Majority 51.

The Bill was read a second time.

List of the NOES, *Tellers included.*

Bateson, Sir R.
Brotherton, J.
Bruce, Lord Ernest
Cole, Lord
Eastnor, Viscount
Ewing, J.
Estcourt, T. G. B.
Finch, G.
Forster, C.
Gladstone, W. E.
Inglis, Sir R. H.
Johnstone, A.
Pease, Joseph
Perceval, Colonel
Plumptre, J. P.
Verner, Colonel

MERCHANT SEAMEN.] Mr. *Lyall* moved, for leave to bring in a Bill to alter and amend an Act passed in the reign of his Majesty George 2nd, intituled, "An Act for the Relief and Support of Maimed and Disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned, in the Merchant's Service;" and also to repeal so much of the Act 7th and 8th William 3rd, cap. 21, as prescribes the deduction of 6*d.* a month from the Wages of Merchant Seamen for the support of Greenwich Hospital, and in future to appropriate the Sums so deducted to the purposes named in the Act of 20th George 2nd, cap. 38, and to extend the provisions of this Act to Scotland and Ireland; and also to extend the provisions of George 3rd, cap. 73, relating to the unclaimed Wages of Seamen dying in the West-India Trade, to the Wages of Seamen dying at all employed in any other branch of the Merchant Service.

Sir *James Graham* said, that he would offer no opposition to the introduction of the Bill, but he must at the same time state to the House, that with respect to abolishing the deduction of 6*d.* a month from the wages of merchant seamen, he must resist any such attempt, inasmuch as from that source was derived one-third of the fund by which Greenwich Hospital was supported. The question was one, however, of the greatest importance, and therefore he should acquiesce in the introduction of the Bill.

Mr. *George F. Young* considered, that if his hon. friend, the member for the City of London was at all impressed with the idea, that his proposition would tend to injure Greenwich Hospital, he would be found the last person to introduce the measure. Such were also his feelings; but he thought Government should provide other sources for the support of that justly esteemed and celebrated institution.

Mr. *Buckingham* declared it to be most unjust to call upon a poor class of men to pay for that from which they could derive no benefit. He would be happy to know how many merchant seamen had been inmates within the walls of Greenwich?

Sir *James Graham:* There were at the present moment 2,700 inmates in the Hospital, of which number 1,100 had been employed in the merchant service.

Mr. *Hume* begged to ask the right hon. Baronet, if having been in the merchant service was the recommendation for the succour of Greenwich Hospital.

Sir *James Graham* said, that one day's employment in the King's service was a sufficient recommendation. Many of the seamen alluded to had acquired chronic diseases when afloat in the mercantile navy; and having been for a short period on board his Majesty's ships, they fell back upon the Hospital, and were then receiving aid. Such diseases, be it always recollected, were not generated in the King's service.

Leave given. Bill brought in and read a first time.

THE JEWS.] Mr. *Robert Grant* said, that the late hour of the night, if there was no other cause, would prevent him from going into any lengthened statement on the subject of the Motion which he was about to submit, and of which he had given notice. The matter had, however, undergone a full discussion on a former occasion, but if any hon. Gentleman wished additional information respecting it, he should be most happy to afford it. He would then only move, "That the House should resolve itself into Committee, for the purpose of considering a Resolution which he meant to propose relative to the Disabilities under which that portion of his Majesty's subjects, professing the Jewish religion laboured, and to justify his introduction of a Bill on the subject."

Sir *Robert Inglis* thought, this was one of those occasions which justified him in departing from the ordinary practice of the House. He admitted, that the usual course was not to object to any measure until the second reading; but, although that was the case generally speaking, he felt it his duty *in limine* to oppose the introduction of any such measure as that which the right hon. Gentlemen opposite proposed, and therefore he should divide the House on the present Motion.

The House divided on the Question: Ayes 53; Noes 9—Majority 44.

The House went into Committee, and a Resolution was agreed to, purporting that it was advisable to relieve his Majesty's Jewish subjects from Civil Disabilities.

List of the Ayes.

Aglionby, H. A.
Attwood, T.
Buckingham, J. S.
Buller, J. W.
Brotherton, J.
Bish, T.
Blake, M. J.
Baring, F. T.
Cayley, E. S.
Cayley, Sir G.
Chichester, J. P. B.
Dunlop, Captain J.
Dillwyn, L. W.
Evans, George
Gisborne, T.
Gordon, Hon. R.
Heathcote, J.
Howard, P. H.
Hume, J.
Jeffrey, F.
Lalor, P.
Langdale, Hon. C.
Lyall, G.
Murray, J. A.
Molyneux, Lord
Macleod, R.
Marryatt, J.
Mullins, F. W.
O'Connell, Morgan
O'Connell, Maurice
Parrott, J.
Parker, J.
Philips, M.
Pease, J.
Peter, W.
Pelham, Hon. C. A.
Ponsonby, Hon. W. F.
Rolfe, R. M.
Ruthven, E.
Ruthven, E. S.
Stanley, E. J. N.
Stewart, Sir M. S.
Stewart, P. M.
Strutt, E.
Talbot, J. H.
Tennyson, Charles
Tooke, W.
Vigors, N. A.
Wallace, R.
Warburton, H.
Wason, R.
Wood, G. W.
Young, G. F.

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Grant, R.
Wood, C.

List of the Noes.

Bruce, Lord Ernest
Estcourt, T. G. B.
Finch, G.
Ferguson, Captain
Forster, C.
Gladstone, W. E.
Inglis, Sir R. H.
Johnstone, A.
Maxwell, H.
Perceval, Colonel
Plumptre, J. P.

HOUSE OF LORDS,

Friday, April 25, 1834.

Minutes.] Bill. Read a second time:—Clerk of the Pipe (Scotland); Flax Bounties Repeal.—Read a third time:—English and Irish Judgments.

Petitions presented. By Earls Grey, Fitzwilliam, Uxbridge, and Harewood, from a Number of Places, and Dissenting Congregations,—for Relief to the Dissenters.—By Lord Wharncliffe, from several Places,—against any Alteration in the Corn Laws; and for Relief to the Agricultural Interest.—By the Bishop of Exeter, from Exeter, for the Better Observance of the Lord's Day.—By the Earl of Rosebery, from Kinfairns, for a different System of Church Patronage in Scotland.—By the Duke of Gordon, from Glasgow, against the Ministers of Churches (Scotland) Bill.—By the Duke of Gordon, and the Bishop of Lincoln, from four Places,—for Protection to the Established Church.—By the Duke of Richmond, Marquess Camden, and Lord Kenyon, from several Places,—against the Sale of Beer Act.—By the Duke of Gordon, Marquess Camden, Earls Grey, Rosebery, Fitzwilliam, Harewood, and Uxbridge, Viscount Melbourne, Lords Kenyon and Suffield, and the Bishops of Exeter, Derry, London, and Lichfield and Coventry, from a Number of Places,—for the Better Observance of the Sabbath.

Observance of the Sabbath.] Lord *Suffield*, on presenting a Petition from the city of Norwich against the profanation of the Sabbath, signed by 3,550 persons, said, that, among the signatures attached to the petition, were those of the Mayor, the Dean of Norwich, several of the clergymen of that city, and all the dissenting ministers. He need not urge upon their Lordships the importance of the question, either in a religious or a moral point of view, which made it also important as a political matter. He did not, indeed, think that they could make men religious by law, which would be arrogating Divine power over the human heart; but, though they could not control the emotions of the heart, they might modify external circumstances. They might remove obstacles from the path of duty for those who were desirous to pursue it. Whatever restraint their Lordships might think it right to impose upon themselves or families, he would not recommend undue restriction by law upon the lower orders of society, in the enjoyment of their innocent recreations. He could never forget, that "the Sabbath was made for man, and not man for the Sabbath." He believed, that two great objects were in view in the benevolent institution of the Sabbath; first, undoubtedly, opportunity for the worship of God, and the study and contemplation of those subjects connected with man's highest interests; secondly, and in a subordinate degree to the first, rest and relaxation from labour, refreshment after six days' of toil. Whatever might be the object of others—though he entertained some apprehension lest their well-intentioned efforts might tend, by attempting too great minuteness in legislation, to injure the cause they would support—his object was, not to coerce the unwilling, but to protect and assist those who were desirous to perform their duty. On what class, then, were restraints, if any, to be laid? Certainly, not on the lower classes. What class was most benefited by the Sabbath? Surely those who, if deprived of the opportunity afforded by that day for devotion and rest, had no other, while too many of the higher orders, in the language of an eminent Christian now deceased, "do everything on the Sunday which they are in the habit of doing all other days of the week, and on no other day in the week do that which they ought to do on the Sunday." It was last year rumoured, that an Address to his Majesty was contemplated in the other House of Parliament, to pray that the Park-gates might be closed on a Sunday; and he should not regret to see their Lordships' carriages excluded from the Park on a Sunday, but he should deeply lament to see the tradesman and the artificer, who were immured in close dwellings six successive days, deprived of the fresh air of the Parks on the seventh. As to Sunday trading, little check probably could be given to it by penal enactments, but the present penalty was unequal, unjust, and insufficient. To be equal in its operation, it ought to be apportioned to the capital of the trader, or to the extent of his business, or be measured, perhaps, by the assessment of his premises. It surely was obvious, that a person carrying on extensive business could afford to pay, to him a small penalty, and still derive a large profit after the deduction; while the shopkeeper, whose transactions were upon a less scale, would, by payment of the same penalty, lose all the profit which he might derive from his violation of the law. He was fully persuaded, that more might be done to prevent the profanation of the Sabbath, by their Lordships' individual efforts, in their private capacity, than they could possibly effect in their character of legislators. He was led to this conclusion by an instance which fell under his own observation in a small market town, at a distance from the metropolis, in which Sunday trading prevailed to a shameful extent. That had been entirely suppressed, not by the infliction of penalties, but by the influence of gentlemen resident in the neighbourhood. With a view to remove every thing like excuse for opening the shops on Sunday, gentlemen prevailed upon their tenants to commence a practice which could not be too generally adopted, namely, that of paying all their labourers on a Friday instead of Saturday night, or on the Sunday morning! There could be no doubt that this practice contributed to accomplish the object of suppressing Sunday-trading in that town. He was convinced, therefore, that their Lordships would do more by their example than by making laws.

The noble Lord also presented similar Petitions from the inhabitants of Hertford, and from a parish in Norfolk.

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AND OF

SECOND VOL. OF SESS. 1834.

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TO

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OF

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FINIS.

T. C. Hansard,
32, Paternoster-Row.

ERRATA.

Add the following Names to the List of the Ayes *at page* 1060–1061.

Howick, Viscount
Lefevre, C. S.
Lennox, Lord G.
Stewart, Hon. E.
Vernon, G. H.
Welby, G. E.

Dele the name of Dobbin, L. in the same List.